Chapter 20
The Jews of Ṣan'ā'

Introduction

An account of the Islamic city of Ṣan'ā' would be sadly lacking if its one time large Jewish community, essential to its communal life for centuries, were ignored. The Jewish community in the Yemen and in Ṣan'ā' in particular, though it departed the city in 1949-1950, played an integral part in its life for centuries. Judaism in the Yemen has, of course, a relatively well-known history before Islam, and according to Jewish tradition Jews had settled in Barāsh, the mountain next to Jabal Nuqum, centuries earlier. It seems safe to assume there was a Jewish community in Ṣan'ā' when the Yemen adopted Islam, and there is in fact an allusion to Jews in the first Hijrah century by the historian of the early period of Ṣan'ā', al-Rāzī.[1] For the last three centuries or so—for which we have a relative abundance of historical data on the city's Jewish community—it has evidently been engaged mainly in commerce and the crafts, forming a part of its urban civilization as a whole. With the departure of the Jews many traditional crafts, such as the polishing of jewel-stones and native silversmith work, have disappeared from Ṣan'ā', though a little gem-polishing is said still to be carried on by Muslims. Moreover in the neighbouring Aden Protectorates over the years before 1962 many traditional crafts gave way to imported manufactured articles; this factor no doubt also helped the disappearance of traditional crafts from the Yemen.

The Yemenite Jews seem, in the main, to have been descendants of the native population who had embraced Judaism in the pre-Islamic period, as for instance in the case of the Hamdān tribe who 'were near Ṣan'ā' and mixed with Ḥimyar, adopting with them the religion of Judaism in the days when Dhū Nuwās adopted Judaism and they adopted Judaism with him.'[2] Yet there were also non-Arabian elements in the community as names like Fayyūmī and 'Irāqī indicate. Nevertheless it is to be accounted as much Yemenite as the Muslims themselves—the community's language was basically the colloquial Arabic of the country and in their daily life the Jews were closely associated with the Muslim population, more especially perhaps in the country districts.

The Jewish Settlements in Ṣan'ā'

One of the earliest indications of the existence of Jews in Ṣan'ā' is Ibn al-A'tham's[3] statement that the general Jāriyah b. Qudāmah, after the opposition to the Caliph 'Alī b. Abī Ṭālib in western Arabia had been settled, dealt with people (*qawm*—perhaps tribal Jews?) who had accepted Islam, then apostatized from it, 'so he killed them and burned them with fire after the killing.' Verses composed on the event declare that,

> Folk (*aqwām*) in Ṣan'ā' adopted Judaism (*tahawwada* after they had acknowledged the signs of the Book and accepted Islam.

At first the Jewish community in Islamic Ṣan'ā' may not have been very large for al-Rāzī,[4] writing of the year 381/991, put the number of Jewish houses at only 35.

Goitein-Rathjens[5] quote the Jewish tradition that the first Jewish Quarter was in or near the Qaṣr—by which latter the present citadel area is probably to be understood, but of course this is not substantiated by literary evidence remounting to an early date. Al-Rāzī[6] specifically mentions in his own day (first half of the 5th/11th century) the synagogue (bī'at al-Yahūd) at the south end of the Tinners' Lane (Zuqāq[7] al-Mubayyiḍīn)[8] opposite the ruined Christian church.[9] Assuming the Tinsmiths were then more or less where they are now, this would place the synagogue somewhere south of the present Sūq; this is not really near the Qaṣr, but it would be near Ghumdān.

Jewish sources claim that the Jews moved at an unstated period from the Qaṣr area to al-Marbakī,[10] a variant of the name al-Barmakī, because of a dispute between an Imām and a head of the community. If 'Imām' means Zaydī Imām, the move could hardly have taken place before 723/1323 but a Jewish source places the move before the time of Maimonides (12th century). All Jewish documents, says Goitein,[11] call the town officially 'Ṣan'ā', which is situated on the watercourse al-Marbakī.' A marginal note to the *Ghāyat al-amānī*[12] under the annals for the year 601/1204-5 says that Masjid Ibn al-Ḥusayn,[13] also called

1 *Tārīkh Ṣan'ā'*, Damascus, 1974.
2 Ibn al-Kalbī, *Kitāb al-Aṣnām*, Cairo, 1914, 10, etc.
3 Ibn al-A'tham, *Kitāb al-Futūḥ*, Hyderabad, 1388/1968-1395/1975, II, 71.
4 Op. cit., 114. Al-Maqdisī, *Descriptio imperii Moslemici* (*Aḥsan al-taqāsīm*), ed. de Goeje, *BGA*, Leiden, 1906, 95, writing in 375/985, says that in the Arabian Peninsula the number of Jews exceeds that of the Christians.
5 *Jewish domestic architecture in San'a, Yemen*, Jerusalem, 1957, 68.
6 Op. cit., 32.
7 In Ṣan'ā' one also says *zuqzuqī*, a lane, and in Hodeidah, *muzqur*.
8 This is possibly the Coppersmiths' Sūq of today.
9 This does not seem to be the Qalīs but another church.
10 Goitein-Rathjens, loc. cit.
11 Ibid, loc. cit. Professor Goitein has referred us to *Sa'arat Teman*, 138, for a document dated Monday, 16 October, 1536, mentioning the Barmakī.
12 Of Yaḥyā b. al-Ḥusayn, ed. 'Āshūr and Ziyādah, Cairo, 1388/1968, I, 388. Of course this does not mean that the actual note is any earlier than the last date in this chronicle, 1045/1636.
13 Muḥammad al-Ḥajarī, *Masājid Ṣan'ā'*, Ṣan'ā', 1361/1942, 4.

Masjid al-Ṣawma'ah (a little east of the Sā'ilah) and south of the road leading from the Sā'ilah to al-Filayḥī Quarter is west of the Jewish houses (Buyūt Ahl al-Dhimmah). If, in former times, they lived in al-Filayḥī as Qāfiḥ relates and in Dār al-Ṭawāshī this would locate the Barmakī *ghayl*[14] round about the open area leading to Sha'ūb. Jewish sources allude to al-Marbakī up to before 1679 but Goitein says that in the later part of the seventeenth century the name al-Marbakī figures no more. He quotes a Jewish source saying that the Jews were asked to leave al-Marbakī and move to al-Quzālī—but as this is close to al-Filayḥī the move could not have been far, and there is a document showing that they were in al-Quzālī before 1670. From al-Quzālī it is not far to Masjid al-Jalā,[15] and they settled also west of the Sā'ilah in the Nahrayn area. They are said by the poet al-Dhahbānī[16] to have lived in Shukr, mixed with Muslims.

These movements might point to an increase in the Jewish population of Ṣan'ā' and perhaps also to growth in their industries under the secure and prosperous rule of the great Zaydī Imāms of the period. The settlement in Bīr al-'Azab Quarter took place after the expulsion from Ṣan'ā' in 1091/1680.

Outline History of the Ṣan'ā' Jewish Community

In the long history of Ṣan'ā' the normally good relations between Jews and Muslims were, from time to time, disturbed by events such as the looting of Jewish property, or by excessive zeal of some officials, or by the excitement created by Messianic movements among the Jews themselves. Correspondingly there was a tendency among Muslims that manifested itself from time to time to wish to see Jews convert to Islam, but when this appeared to overstep what the *sharī'ah* had ordained for the peaceful co-existence of the two faiths there were Muslim critics as well as Jewish complaints. The common culture of both communities and their tolerance of each other is impressive. It must be remembered too that if the Jews suffered from tribal depredations they were also faithfully protected by tribal custom when they had relations with a tribe, and the Jews were subject to the same treatment as the non arms-bearing Muslim craftsmen, traders and others—and if Jewish wealth was squeezed by officials from time to time these officials would mete out similar treatment to their fellow-Muslims of the corresponding class. It has even been asserted that the distinctive dress[17] of the Jews had the effect of protecting them during inter-tribal strife among the Muslims. In the proverbs current among both Jews and Muslims the human side of the relationship is well evinced—the Muslim has a sort of rueful and humorous appreciation of the Jew as a smart business man—but as he considers this a virtue in a fellow-Muslim[18] he really admires it in his Jewish fellow-countryman. The section that follows shows that the Jews at the very least found life in Muslim Yemen tolerable.

Detailed information about Jewish life in Ṣan'ā' is lacking for the period before the seventeenth century. We are told that the community had occupied various sites in the city, among them, that of Sūq al-Munaḥḥisīn, the Brass-smiths' Market west of al-Qaṣr gate. In the earlier part of the seventeenth century the Jews seem to have lived mainly in the quarter known today as Hayy al-Jalā', in which stands Masjid al-Jalā'[19] constructed by Imām al-Qāsim b. Muḥammad in 1091/1680 on the site of the synagogue there. It lies close to the lower east bank of the Sā'ilah. It is however thought that the Jews did not live exclusively in this Quarter but had houses in different parts of Ṣan'ā', as was certainly the case in other Yemeni towns. Cruttenden[20] speaks of Dār al-Ṭawāshī, sometimes called 'Bakhírī', in the east of the town, as being in former days appropriated to the Jews.

Following the Zaydī conquest of the country from the Turks in the early seventeenth century, relations between Jews and Muslims seem to have been strained. The attitude of the first Zaydī Imām, al-Hādī (3rd/9th century) towards the *dhimmīs* had been protective.

He is reported to have told them, 'If any molest you, refer the matter to me so that I can give you justice from them.' This policy of protection became the normal policy of his successors. However some of the Zaydī ulema seem to have been exercised by the question as to why the Jews had been expelled from certain parts of the Arabian peninsula in the early days of Islam, but not from the Yemen. The leader of the movement to expel the Jews was al-Badr Muḥammad b. Ismā'īl al-Amīr who, against the opposition of other ulema, won over the Imām al-Mutawakkil to this policy.

In 1676 the Imām ordered all Jews to adopt Islam,[21] and when they refused, he ordered the demolition of synagogues, and prohibited Jewish prayers in public. Then, in 1678, Jews who refused to adopt Islam were commanded to remove to the Tihāmah and their property declared forfeit. The number of those who converted was very small indeed and in 1680, the Jews of Ṣan'ā' removed in a body to Mawza', whither they were shortly followed by members of other Jewish communities. In the unhealthy coastal district to which they had been banished the Jews were exposed to severe privation. Fortunately, relations with the Muslim community remained unaffected by this phase of the Imām's policy. We learn that when the Jews arrived at Mawza', they were publicly welcomed by the governor, Sayyid Aḥsan, with the customary presents of bread and water; and, in the following year, a number of district governors, with the governor of 'Amrān at their head, were urging the Imām to permit the Jews to return to Ṣan'ā'. It is said that the governor of 'Amrān was particularly pressing in this matter because the heavy rains from which his district was suffering at this time were thought to be a punishment for the treatment which the Jews had suffered. Other governors were anxious about the economic plight of their districts, which had been deprived of vital trades carried on by Jews.

Within the year, the Jews were allowed to return to Ṣan'ā' though they were not permitted to return to their former homes. Jewish sources vary wildly as to the number of survivors of the starvation and disease of the Tihāmah. In Ṣan'ā', the Kanīsat al-'Ulamā', the only synagogue to escape demolition, had been converted into a mosque (Masjid al-Jalā'), the great bath had been taken over by the Waqf (now Ḥammām al-Jalā') and in the upheaval a great number of Mss. and printed books had been destroyed. However the wealth of the Ṣan'ā' Jews seems not to have been greatly affected, and they were able to set up what seems to have been a flourishing community. After their return, the Jews continued to work in Ṣan'ā', though they did not live

14 See p. 45b.

15 Al-Jalā/Jilā, see *Masājid*, 42. A certain Mōri Joseph at al-Quzālī bears the name al-Qaṭī'ī which shows that his family must at one time have resided in that Quarter.

16 Muḥammad al-Dhahbānī, *al-Aghnām al-sha'biyyah*, Ta'izz, 1969, 34.

17 Cf. E. Brauer, *Ethnologie der Jemenitischen Juden*, Heidelberg, 1934, 78 passim but see p. 421.

18 See the proverbs quoted p. 425a-b.

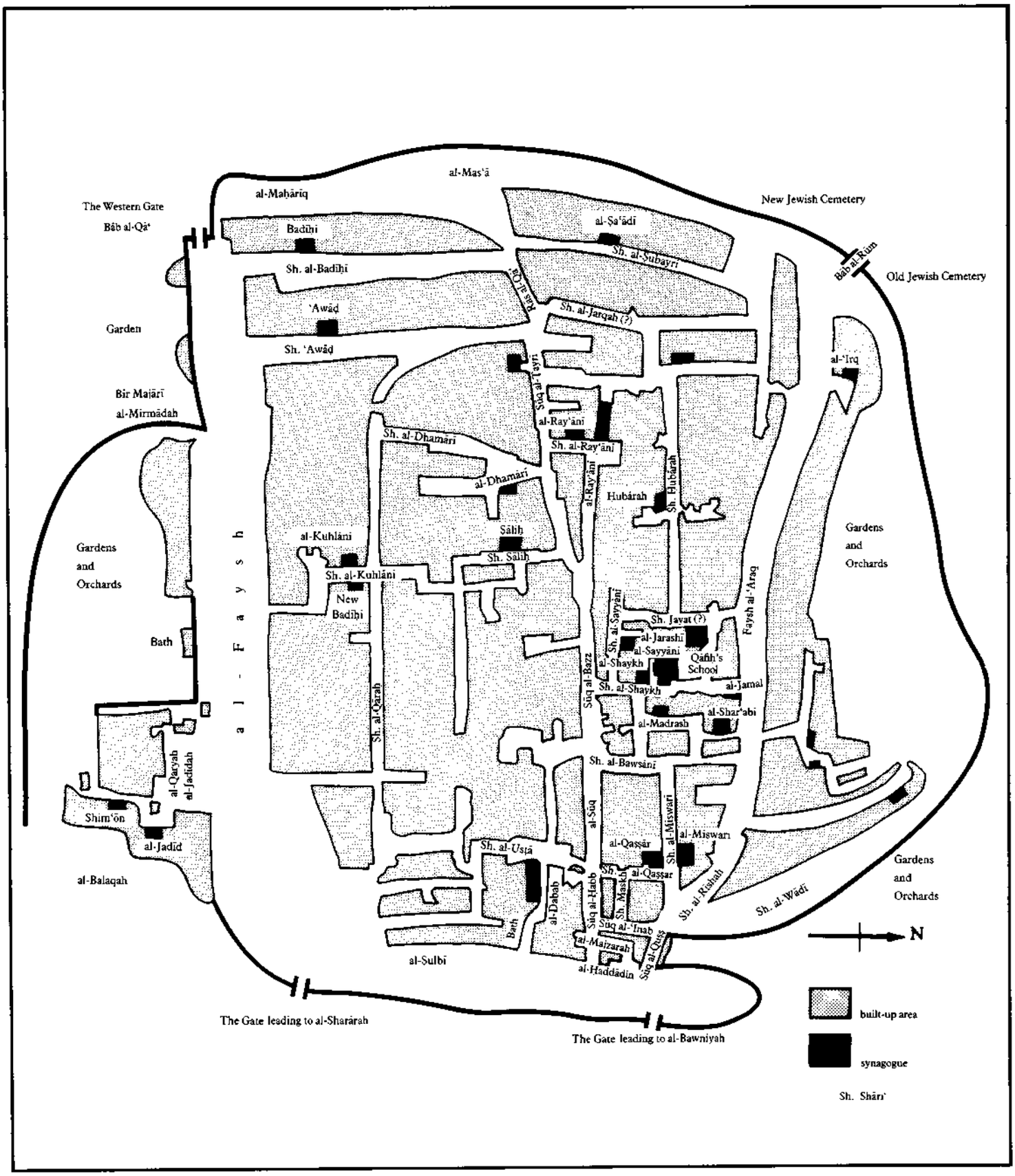
19 See pp. 353b, 400a.

20 C. J. Cruttenden, 'Narrative of a Journey from Mokhá to San'á', *JRGS*, London, 1838, VIII, 267-89. 'The Jews are the principal artisans and live in a Quarter of the city appropriated to them. Each man pays 25 komasis (*khamāsī* ?) a month, about a dollar a year. There is a Shaykh who is responsible for this payment, plus taxes on their vines, gardens etc. They sell silver, gunpowder, spirits, and work as artisans, e.g. shoemakers.'

21 According to M. Zadoc, *History and customs of the Jews in the Yemen*, Tel Aviv, 1967, 54, Imām Aḥmad b. al-Ḥasan ordered first the demolishing of the synagogues and prohibited prayers in public. Later he demanded all Jews convert to Islam in order to put into effect the decree of the Caliph 'Umar, 'There will be no two religions in the Hijaz.' Thus he was ready to impose any decree likely to bring about their conversion. Al-Mahdī wished to unite the country which was divided into ten small kingdoms. In order to strengthen his régime he proclaimed that the Yemen is holy to Muslims and hence there is no room for Jews in it. Until the last moment he tried cunningly to convince the Jews to convert. However, when they refused to do so the expulsion order was carried out.

The Jewish Quarter of Ṣan'ā'

This diagram corresponds approximately with von Wissmann's map (p. 118) though distances to the city walls appear inaccurate. The concentration of markets includes al-Majzarah, the Abattoir, al-Ḥaddādīn, the Blacksmiths, S. al-'Inab, Grape Market, S. al-Ḥabb, Grain Market, S. al-Quṣṣ, Plasterers. The western Bath is presumably al-Makhlafah, that near al-Sulbī (Qā' al-'Ulufī) was the Jewish Ḥammām al-Usṭā, now Ḥ. al-Faysh, *faysh* meaning land not owned or cultivated. Most synagogues are identifiable from Brauer (pp. 306-7) who gives K(s)sâr for Qaṣṣār, al-Mas'ā, the walking place was for recreation. Al-Maḥārīq should mean kilns and Majārī al-Mirmidah where rubbish is dumped to be carried off by floods. Streets bear names of known Jewish families.



there but in Qā' al-Yahūd, west of Bīr al-'Azab. Their greatest concentration was in the 'Aqīl Quarter, where the Silver Market was, and near the Sūq al-Zabīb or Raisin Market (there was a Customs post or Gumruk in this latter). Sūq al-Mibsāṭah (the Old Clothes Market) is close by. They also had shops in other parts of old Ṣan'ā' and mixed freely with the Muslims in the times of the Ḥamīd al-Dīn, besides having shops in Qā' al-Yahūd to which they returned at night.[22] In the planning of the new quarter, priority was given to considerations of security; houses were built so as to be easily defensible: each had its own well, while some had more than one. The concern with defence reflects not so much anxiety about the attitude of the Muslim authorities, as the troubled state of the country during this period. Jews suffered, not so much from official policy as from the riots and affrays which frequently broke out among the Arab tribes. A wealthy community forbidden to bear arms would naturally suffer at such times. Jews were forbidden to build higher than two storeys[23] and hence many houses were built with a cellar. Life in such towns as Kuḥlān, Ḥajjah, Ṣabrah, Ḥabūr, Ẓulaymah, and al-Sūdah proved so precarious for defenceless craftsmen during the years 1717-25 that the Jews were obliged to leave, or assimilate themselves to the Muslim community. That the Jewish community in Ṣan'ā' was able to survive this difficult period may well be due to the protection of the Imām, who, as their Sayyid, would be personally responsible for the redress of their grievances. During this period no attempt was made to force conversion on the Jews, though we are told by Sa'īd Yahuda ben Shelomo al-Ṣa'dī in his chronicle *Dofi ha-Zeman*[24] that, during these years of drought and famine, Jews were offered material support on condition that they embrace Islam.

Having survived this difficult period, the Jews of Ṣan'ā' enjoyed nearly forty years of growing prosperity. No fewer than twenty-two synagogues were built in Ṣan'ā' after the return from Mawza'.

In 1762 the Imām al-Mahdī 'Abbās ordered the destruction of all synagogues, though thirty years later his son, al-Manṣūr 'Alī was induced, in return for a subvention from the Jewish community, to allow them to be rebuilt.

At this time most Ṣan'ā' Jews were craftsmen:[25] there were very few traders. It was usual for a son to follow his father's trade, though the prestigious and profitable occupation of silversmith regularly recruited those whose fathers had followed other trades. It was normal for apprentices to silversmiths to work for a year without pay, or even to pay a premium for the privilege. Women of all classes seem to have worked at embroidery. There are frequent references in the Beth Dīn[26] documents to widows of quite wealthy families supporting themselves by their handiwork.

It is possible, on the basis of documents from the Beth Dīn in Ṣan'ā', dating from the latter decade of the 12th/18th century, to detect the existence of three classes of wealth among the Jews. It would seem that the community was divided in the proportion 9: 40: 11, in ascending order of wealth. The typical member of the second class was three times wealthier than a typical member of the first, while a typical member of the third class was eight times wealthier. There may have been a few families very much richer. Unfortunately it has not proved possible to relate these classes to specific occupations and trades. For instance it is not clear whether the poorest Jews—and some are known to have been very poor—appear in those figures at all. A plausible estimate of the number of Jews belonging to wealthy families would be about 1,700 persons. And some of these families must have been very wealthy indeed by Yemen standards. Some Jews owned extensive property, houses and shops, not only in the Qā' al-Yahūd, but also in the rest of the town. Thus the property of one of the wealthy 'Uzayrī family at his death in the last decade of the 12th/18th century amounted to a house, valued at 500 *riyāls*; four shops in the town valued at 520 *riyāls*; and eighteen shops in the Qā' al-Yahūd valued at 355 *riyāls*. The property included a shop in the 'Aqīl quarter valued at 120 *riyāls* and one in the Sūq of Ḥamīd al-Dīn, valued at 200 *riyāls*. In addition there is mention of a plot of land in Sūq al-Ḥaṭab. Since the average price for a house in the Qā' at this period was 150 *riyāls*, this was obviously a very wealthy man indeed.

Some Jews also owned considerable holdings of agricultural land. Thus Mūsā and Yūsuf al-'Uzayrī divided between themselves an estate left by their late father, Sālim, valued in all at 386 *riyāls*.

The relationship of clientage between the Zaydī Imāms and the Jewish community was not entirely to the advantage of the latter. It was customary, after the expulsion of the Turks, for the ruling Imām to pay an annual subsidy to the leaders of those tribes which had taken part in the revolt. In 1818 the Imām 'Abdullāh b. al-Mutawakkil, who was a very weak ruler, decided to discontinue the practice. Accordingly he gave orders that when the representatives of the tribes presented themselves to receive their subsidy they should be thrown into prison. His agents in this plot were Jews who carried out his orders with zeal in their anxiety to show loyalty. The tribes rioted, and, when the Imām refused to give way, they attacked the Jewish Quarter.[27]

At some time in the latter half of the 18th or the earlier half of the 19th century the duty was imposed on the Jewish community to see to the removal of excrement from the privies of the city, and to remove dead animals. The earlier history of this service is obscure: it would seem originally to have been performed within Qā' al-Yahūd itself by Jews, and in the city by Muslim bath-keepers. The question of the legality of imposing the duty on the Jews was the subject of extensive controversy among the ulema in the latter half of the 12th/18th century, notably between the *qāḍī* Muḥammad 'Alī al-Shawkānī and 'Abdullāh b. 'Īsā al-Kawkabānī.[28] The matter was certainly discussed as early as 1788.

22 Cf. Niebuhr, *Description*, 335-36.

23 This is expressly permitted them in the document quoted on p. 430b.

24 *Sefunot*, Jerusalem, 1975, I. Cf. S. D. Goitein, 'A Hebrew-Arabic manuscript on the history of the Jews in Yemen', *Kirjath Sefer*, Jerusalem, 1937-38, XIV, ii, 256-70.

25 For a complete list of professions see p. 239a-b.

26 This is a collection of the Court Records of the Ṣan'ā' Jews. Professor Ratzaby informs us that it seems to be the registration of the Secretary to the Court who recorded every affair discussed and every verdict in two to three lines. It deals with religion, marriage, divorce, inheritance, and also claims between man and man in the questions over sale of property, money, houses, books, debts. The first volume is a copy of the original, the second, the original itself. It is now in the University of Jerusalem. A preliminary look at the document seems to indicate that it contains information on commerce in Ṣan'ā' likely to be useful in writing the history of the city.

27 Brauer, op. cit., 42.

28 Sayyid 'Abdullāh al-Ḥabshī of the Dār al-Kutub in Ṣan'ā', following a discussion on the controversy, provided the following bibliography on it.

Muḥ. al-Shawkānī (1173-1250/1760-1832), *Ḥall al-ashkāl fi ijbār al-Yahūd 'alā iltiqāṭ al-azbāl* (*al-Badr al-ṭāli'*, I, 391, incorrectly, *adhyāl*,) transcribed in 1368/1948-9 in the hand-writing of Muḥ. b. Ḥusayn al-Sayāghī, 44 fol. Library of Ḥusayn al-Sayāghī, Ṣan'ā'. I noted a copy in the Jāmi' of Ṣan'ā'. Photocopy in Dār al-Kutub al-Miṣriyyah, no. 2216.

The riposte to this is:-

'Abdullāh b. 'Īsā b. Muḥ. al-Kawkabānī, *Irsāl al-maqāl 'alā izālat ḥall al-ashkāl fi 'l-radd 'alā kitāb al-Shawkānī*, transcribed in 1368/1948-9, 49 fol., in the afore-going collection in the Dār al-Kutub. The author died in 1224/1809 (*al-Badr al-ṭāli'*, I, 391).

Another Sayyid, who became Qāḍī of Ṣan'ā', and died about 1240/1824, wrote a polemic against al-Kawkabānī:-

'Alī b. 'Abdullāh al-Jalāl (al-Ṣan'ānī), *Tawḍīḥ wujūh al-ikhtilāf fi izālat al-ashkāl fi ijbār al-Yahūd 'alā iltiqāṭ al-azbāl*, transcribed in 1269/1852-3, 74 fol., in the Dār al-Kutub collection and library of al-Sayāghī. (For al-Jalāl, see *al-Badr al-ṭāli'*, I, 469).

Two further ripostes are:-

Muḥ. al-Shawkānī, *Taṭwīq/tafrīq al-nibāl 'alā/ilā irsāl al-maqāl fi 'l-radd 'alā kitāb 'Abdullāh b. 'Īsā* (variants from *al-Badr al-ṭāli'*, I, 469, prefixed and preferred), transcribed in 1368/1948-9, 59 fol., in the Dār al-Kutub and al-Sayāghī's library.

Ibid, *al-I'lāl li-taḥqīq al-maqāl*, transcribed at same date, 91 fol., in al-Sayāghī's library.

A treatise probably supporting al-Kawkabānī is:-

Ṣan'ānīs today who still recall the Jews, confirm that the community was considered to belong to three social classes, the upper (*ulyā*), middle (*wusṭā*) and lower (*dunyā*) class Jews. The squad (*firqah*) in charge of cleansing was drawn from the lower class which dealt with the privies (*marāḥiḍ*)[29] and dragged out the dead animals (*maytah al-ḥayawānāt*), roped by the four legs, outside the walls (*ḫawārib*). Rossi[30] says the Bayt al-Māl paid the Jews to remove dead dogs from Ṣan'ā', a function a Muslim would be loath to perform. There were two places for dumping refuse of this sort, one to the north and one to the south of Ṣan'ā'. In the early twenties of this century Rihani[31] notes that 20 USA cents a donkey load was paid to the Jews who supplied the bath-keepers. 'In recent years,' says Barer,[32] 'when they went on strike against low wages, the leaders of the Jewish community in Ṣan'ā' were imprisoned until they could be prevailed upon to return.' Imprisonment of its leaders was the normal action rulers took against an offending group to bring it back to order or to punish it for any sort of misdemeanour—this can be observed for instance in *Qānūn Ṣan'ā'*. Nowadays (1972) ordinary dirt and sweepings (*kans*) are taken away from the city by lorries. Local farmers spread the town refuse on their fields and as, today, it contains many tin cans and plastics, the result is unsightly.

As had been the case during the previous Turkish occupation, the Jews suffered during the period 1849-1918 from the unsettled state of the country. Serious rioting in 1851 against the Turkish administration led a number of Jews to flee Ṣan'ā'. During these anxious times, no fewer than three self-styled Messiahs made their appearance in the country.

The Jews fared better under the Zaydī regime which ousted the Turks. The Imām took a benevolent attitude towards the Jews—Jewish agents of the Imām had risked their lives in rousing the tribes against the Turks—and guaranteed security to the Jews in return for various taxes and the imposition of the social restrictions of the 'Covenant of 'Umar'.[33] An annual *jizyah* was to be levied on every Jew over the age of thirteen. For the purposes of this tax the Jews were divided into three classes: the wealthiest to pay 3 3/4 *riyāls*; the less wealthy, 1 7/8 *riyāls*; and the poorest 15/16 *riyāl*.[34] Traders whose profits exceeded a certain amount were to pay a 20 per cent tax on the profits. (These classes might correspond to the three classes mentioned above which can be detected in the Beth Dīn documents.)

In addition the 'decree of the orphans' was enforced according to which orphans were to be brought up in the Islamic faith. Between the years 1921-5 there were many such cases. Jews resorted to various shifts to evade the decree, such as marrying the orphans when young or sending them secretly to Aden. Though officials could be overzealous in the execution of such decrees it should be pointed out that the Imām himself tempered their enthusiasm. Indeed, despite the various disabilities placed on them, the Jews were never more secure in their property than under this Imām. For example, it is said that when a Jew, who had been robbed by a Muslim, complained to the local governor, the case was referred to the Imām, who ordered the arrest of all the local shaykhs, whereupon the property was recovered within a matter of days.

The Imām passed regularly through the Jewish quarter, usually on the way to Friday prayers, when he would receive petitions from Jews. Twice a year, at the feasts of Passover and Tabernacles, the Jews were accustomed to send a letter of thanks to the Imām as their patron, together with a present, usually a live ox.

Though the Jewish community in the Yemen was never completely isolated from foreign contacts, it is not until the 13th/19th century that European influences began seriously to affect the lives of the Jews of Ṣan'ā'. Europeans such as the French professor Joseph Halévy and the Austrian Edward Glaser visited the country on visits partly sponsored by the Alliance Israélite Universelle and became personally involved with the fate of the Jewish communities. (Glaser even in fact went so far as to recommend, in an article in a German newspaper, the setting up in the Yemen of a Jewish state under German protection, so as to fill the vacuum that was being created by the decline of the Ottoman Empire!)

Both of these scholars formed close friendships with Ḥayyim Ḥabshūsh, who served them each faithfully as a guide and who has left us his own account of his travels with Halévy, written at the request of Glaser. It was through such men as Ḥabshūsh that Halévy and Glaser introduced the Jews of Ṣan'ā' to ideas and movements in the wider Jewish world, notably those of the *Haskalah*, (a 19th century movement to reform Jewish education in the light of modern scholarship), and the Ḥibbat Zion (the Aspiration for Zion) movement. There are said to have been six prominent Jews in Ṣan'ā' who were the principal leaders of the movement for reform, among them Rabbi Sa'īd al-'Arūsī and Rabbi Yaḥyā Qāfiḥ. Naturally in the conditions prevailing in Ṣan'ā', these men by themselves could do little to realize their educational ambitions (Ḥabshūsh tells of attempts to master chemistry to which the father of al-'Arūsī devoted most of his time quite fruitlessly). This activity eventually crystallized in a

'Abdullāh b. Bashīr al-Mālikī, *Taḥqīq al-maqāl wa-qaṭ' al-jidāl 'alā ḥall al-ashkāl wa-irsāl al-maqāl*, transcribed in 1369/1949-50, 84 fol., al-Sayāghī's library.

Apparently a final reply is:-

'Alī b. 'Abdullāh al-Jalāl, *al-Ibṭāl li-da'wā al-ikhtilāl fi risālat ijbār al-Yahūd 'alā iltiqāṭ al-azbāl*, transcribed in 1369/1949-50, 79 fol., in al-Sayāghī's library.

In general, whatever practical considerations may have prompted certain ulema to support this measure enforcing so unpalatable a task on the Jews, it would be applying the principle of *al-ṣaghār wa-'l-dhillah*, humiliation and abasement, which is so frequently mentioned in the following pages. It nevertheless is not to be assumed that these controversies of the ulema reflect the general practice of the Muslim community as a whole.

29 The job of maker of flat animal dung cakes dried for fuel is *mukabbi'* (Brauer, op. cit., 236). For the supplier of human excrement to the bath-keeper the document infra uses a word *muṭayyib*. Qāḍī Ismā'īl's unpublished proverbs include a saying, *Kull wāḥid Yahūdī nafs-ah*, Everyone (must act) as his own Jew. The allusion is to the domestic work of Jews in the kitchens and privies of Muslim houses, and is explained as *taḥdhīr min tawsīkh al-mirḥāḍ*, an injunction to see to the cleanliness of the privy as there are no Jews present to do this distasteful work.

Collection of animal dung for fuel is done today by Arab women in the villages round Ṣan'ā' and elsewhere. *Mukhbāzī* is a hole in which dung is collected from which they make the flat dung cakes called *kibī'* (plur., *kibāyah*). There are also small round balls of droppings called *ja'mazī* (plur., *ja'āmiz*) used for kindling (Ḍula' Hamdān). Goitein, *Jemenica*, 121, no. 872, discusses the drying of sheep-and-goat dung on the flat house roofs—which in many places, e.g., Shākir of Arḥab and Najrān, are used as privies—a custom still in practice in the Jewish Quarter in Aden until the twenties of this century. This topic may fitly be concluded with another of Qāḍī Ismā'īl's proverbs, *al-Amthāl al-Yamāniyah*, I, 235, no. 667, *Imla 'l-bayt kibā, wa-lā timlī-h nisā*, Fill the house with dung-cake fuel, but don't fill it with women! This, he explains, is a wise precaution because at certain active seasons in the country-side people do not come into town with fuel-cakes. The latter part of the proverb is a warning against marrying many wives whose presence would create problems in a household. Synonyms of *kibā* are, in Dhamār *ḍamj*, in Yarīm *ḍumāj*. See M. Burchardt, *Aus dem Jemen*, Taf. xiii.

In Ḥabbān in 1947 one used to see dung-cakes drying in the Jewish Quarter, but possibly this had no special significance.

30 *L'Arabo parlato*, 189.

31 *Arabian peak and desert*, London, 1930, 82.

32 *Magic carpet*, 135.

33 Cf. A. S. Tritton, *The Caliphs and their non-Muslim subjects*, Oxford-Mysore, 1930, 5, discussing the Covenant the attribution of which to 'Umar cannot be maintained. See the restrictions of Yemeni scholars infra.

34 Qalqashandī, *Ṣubḥ al-a'shā*, Cairo, 1913-19, III, 462, with a reference to Ibn Mammātī, *Qawānīn al-dawāwīn*, pp. 318-9, who differs a little, says the poll-tax (*jizyah*) is taken on three classes (*ṭabaqah*), four dinars on the *'ulyā*, two on the *wusṭā*, and 1,1/3,1/4 and two *ḥabbahs* on the *suflā*, paid on the 1st Muḥarram. Perhaps this practice was not confined to Egypt and the Yemen.

Aḥ. al-Murtaḍā, *al-Baḥr al-zakhkhār*, Cairo, 1366-68/1947-49, V, 457, says that nobody can make a *dhimmah* contract with the *Kitābis* except the Imām or his governor. If the Imām is unable to protect them he cannot take the *jizyah*. Writing in the early 9th/15th century he says 48 dirhams are taken from the rich, 24 from the middle group and 12 from the poor man. The least taken in a year is one dinar from poor or rich. If the man is of *ahl al-dhahab* he pays four dinars a year, and of the *ahl al-wirq* then 48 dirhams.

movement to open a Jewish school organized on modern lines. In 1903 the Ṣan'ā' community as a body was in correspondence with the Alliance Israélite Universelle to negotiate the establishment of a school which would 'save the rising generation from the ignorance and stupidity which have reduced us to the lowest degree.' Eventually in 1908, without the assistance of the Alliance, the leaders of the community entered into negotiations with the Turkish authorities (emancipation had recently been proclaimed by the Young Turks) for the establishment of a school. The negotiations were successful and a school opened in 1910. The Principal was Rabbi Yaḥyā Qāfiḥ and the curriculum included Hebrew and Arabic and there was a Turkish teacher of arithmetic, history, geography and the Turkish language. Yaḥyā Qāfiḥ states that the curriculum of the school consisted of the Bible, the Mishnah, Maimonides, grammar, Turkish language (taught by Ḥāfiẓ Effendi, and later by Ziyā' Bey, with great diligence). The fifty boys who were admitted to the school were examined in proficiency in Turkish, once a year, by examiners appointed by the Government (who were impressed by their progress). On the following day, they were examined in Hebrew and Arabic. There was, however, considerable opposition to the enterprise among the Jews, partly on account of the school's Turkish connections: many parents refused to send their children on the (not altogether unreasonable) suspicion that they might become liable to conscription into the Turkish army.

Qāfiḥ admits, however, that the teaching methods were in fact no improvement on those of the traditional Jewish schools in that most of the teaching was carried on by the parents of the pupils. He insists that there was no tendency in the content of the education to pervert the principles of religion: rumours to the contrary, he claims, were founded on such superficial matters as the fact that some pupils had cut off their distinctive ringlets (*zunnār*).

The school experienced serious difficulties after 1911, when the Turks ceded control of Ṣan'ā' to Imām Yaḥyā. The Imām, who was suspicious of all agencies of modernization, appointed a Muslim as Director of the school.[35] This seems to have aroused resentment in some circles, as did the Turkish teacher. The Turkish affiliations of the school were not to the liking of the Zaydī *qāḍī*, who objected to the uniforms worn by the pupils. When the pupils refused to change their dress, they were attacked in the street by Muslim children.

The school was also the target of criticism on the part of those in the Jewish community who were hostile to the ideas of the *Haskalah*, and its tendency to estrange pupils from traditional Jewish values. Qāfiḥ states that opposition to the school developed in the third year of its life when slanders were spread about it and ignorant pupils, who had been withdrawn by their parents, alleged that the teachers were irreligious. 'The school', he says, 'worked for three years; in the fourth it was run down and in the fifth it was closed.'

The controversy over the school illustrates the ambivalent attitude of the Jews to such matters as emancipation and modernization. Many Jews were obviously deeply disturbed at the prospect of the breakdown of the old communal disciplines which had given structure to their lives and which were symbolized and enforced by such matters as distinctive dress. Indeed, Qāfiḥ himself admits that there were young Jews who argued that the emancipation proclaimed by the Turks had freed them from Judaism itself. This consideration suggests the question of how far the Jewish attitude towards such restrictions as they had been under before emancipation, and which were reimposed by the Imām, was one of resentment. Jews were evidently not slow to realize that equal rights before the law implied equal duties (such as military service) and many seem to have concluded that they were better off as they were.In this anxiety to preserve their way of life they were at one with the Imām Yaḥyā, who throughout his long reign, consistently pursued a policy of insulating all Yemenis, Jews and Muslims alike, from disruptive influences from abroad. Thus when the Chief Rabbi of Turkey, at the instance of the Alliance Israélite Universelle, approached the Imām on the subject of re-opening the school, he received the reply that, while the Imām had no objections in principle, the project was likely to offend Muslim feeling, and hence be detrimental to Jewish interests. 'Perhaps', he said, 'it is better and more fitting for them to educate their children . . . in accordance with established custom.' An interesting reply was given to Abraham Galanti by a Yemeni envoy in Turkey with whom he discussed the general question of improving the position of Jews: 'Your request is very reasonable. But how would you explain it to the citizens of this country, that is, that a Jew should have equal rights with a Muslim? They will say to you "If God discriminates between the prophets, why should we not distinguish between a Jew and a Muslim?" After all, the distinction was made by God himself!' It is likely that most Yemeni Jews would have agreed.[36]

However, the European ideas of the *Haskalah* infiltrated the Jewish community. Yemeni Jewish spirituality had for centuries been inspired by the Qabbalah, and especially by the *Zohar*. Much of the synagogue ritual was permeated by Cabbalistic symbolism. A group of Jews, led by Rabbi Yaḥyā Qāfiḥ (whose work *Milhamoth ha-Shem* was a sustained attack on the Qabbalah) were anxious to remove what it regarded as superstitious features from the public prayers. Qāfiḥ explicitly credits Joseph Halévy with the inspiring of this group. Dissension in the community reached such a pitch that, in 1914, the matter was referred to the Imām. The Muslim judge, Yaḥyā b. Muḥammad b. 'Abbās, who was appointed by the Imām to deal with the case, stated in the preamble to his judgement that his purpose was to remove all sources of strife from the community. The judge calls on all Jews to tolerate differing opinions but to proceed with their lives according to the traditions of their ancestors. The various synagogues are to follow traditional usage, but anyone who wishes may pray in private as he pleases. Five allegedly 'modernist' synagogues were to be investigated by the Muslim judge together with Jewish leaders, and, if the allegations were substantiated, destroyed. No such synagogues were to be opened in future. This is a very instructive case of co-operation between Muslims and Jews in defence of the traditional way of life in Ṣan'ā'. Indeed throughout the present century, hostility between Jewish factions was the main source of disturbance in the life of the community. The Muslim authorities (whose sole concern in these matters seems to have been for public order) acted as umpire in these contests.

The career of Rabbi Yaḥyā Isaac, who was the leader of conservative opinion in the debate over the Qabbalah, is also instructive as to relations between the Jews and the Muslim authorities. He was elected *Ḥākhām-bāshī* (effectively Chief Rabbi) in 1906, but the modernizing party challenged his election as not being truly representative of communal opinion. Hence in 1910 the Muslim authorities, anxious to preserve order, arranged a referendum (the opposing candidate being Rabbi Yaḥyā Qāfiḥ) which confirmed Rabbi Yaḥyā in office. He seems to have been a man of outstanding ability, and, what is more, to have wielded considerable influence with the new Imām and his ministers (naturally enough in view of the substantial coincidence of their attitudes) and his advice was valued in matters relating to Jewish affairs. This influence he was able to use to the advantage of the Jewish community in certain difficult matters. The extent of his diplomatic gifts may be judged from the fact that in matters requiring negotiation with the Muslim authorities it became customary for

35 In the thirties Nazīh al-'Aẓm, *Riḥlah*, Cairo, n.d., I, 142, counted fifteen schools and nineteen synagogues.

36 *Shevut Teman*, ed. I. Yeshayahu and A. Zadoq, Tel Aviv, 1945, 317.

the leaders of the community to consult at his house, and then for the Rabbi to go alone, or with one companion, to meet the Imām, whereas formerly a delegation of Jews would have gone. He was notably successful in arriving at a compromise over the question of the bringing up as Muslims the orphans of non-Muslim parents, though arguably his most important service to the community was in the question of the ownership of Qā' al-Yahūd. The authorities claimed that the land had been *waqf* property and that hence, such property being inalienable, the Jews should pay rent for it. The Rabbi laboured long to collect evidence to the contrary and eventually convinced the Imām that most of the area was not in fact *waqf* property. In respect of the remaining area (which could not be specified exactly) it was agreed that the Jews should pay once and for all a certain sum to the *waqf* administration, after which the whole area should be considered theirs.

His successor as Chief Rabbi was Yaḥyā al-Abyaḍ who also served the Muslim authorities as Master of the Mint (he was a goldsmith by trade). In the letter endorsing his appointment the Imām charged him to conduct himself properly in the affairs of the community and 'to do all in his power to unite the community and to remove all dissensions and divisions.'

There had always been a certain insignificant amount of emigration of Yemeni Jews to Palestine, which the authorities had made no attempt to check. However, the spread of Zionist propaganda in the Yemen during the latter half of the 13th/19th century, led, in 1882, to the first organized emigration. The authorities became alarmed at the loss of skilled craftsmen and, in the following year, prohibited further emigration. However the prohibition seems to have been difficult to enforce and in one year alone, 1908, no fewer than 2,500 Yemeni Jews are said to have emigrated. A further attempt at checking emigration was made in 1929, at the instance of the Mufti of Jerusalem, but with no more success.[37] By 1943, Jews were again emigrating openly.

The events of 1948 in Palestine and the establishment of the state of Israel, preceded by the Arab-Jewish troubles in Aden late in 1947, created a situation of potential danger for the Jewish communities in the Yemen. Jews became very anxious about their position in the country, although a charge of murder of two Muslims, by the Jews, was rejected by the Imām's court.

Although anti-Jewish feeling seems not to have spread wholesale emigration seemed to hold out the safest future and this was arranged with the agreement of the new Imām, Aḥmad. For most of the population the only conditions which he imposed were that they should sell their property in advance, and if they had a trade, that they should teach it to a Muslim before leaving.[38]

Muslim-Jewish Relations in the Yemen

Messianic Movements and Muslim Rulers

The earliest document of importance on relations between Muslims and Jews at present known to us, is the *Epistle* of Maimonides to al-Fayyūmī, head of the Yemenite Jewish community about 1172 A.D. This dealt with a situation summarised by the editors of the *Epistle*[39] as follows, 'A forced conversion to Islam, inaugurated about 1165 (A.D.) by 'Abd al-Nabiyy b. Mahdī, who had gained control over most of the Yemen, threw the Jews into a panic. The campaign conducted by a recent convert to win them to his new faith, coupled with a Messianic movement started by a native of the country who claimed he was the Messiah, increased the confusion within the Jewish community.'

Arabic sources consulted by us make no reference to this. 'Abd al-Nabiyy (who did not control Ṣan'ā', Aden and al-Dumluwah), a Ḥanafī by school, was, as 'Umārah[40] describes him a strange fanatical character who held 'that the penalty of death was to be inflicted upon all professing Muslims who opposed his teaching, that it was lawful to reduce their captured women to the condition of concubines, their children to slavery. . . .' So it need not be doubted, *a fortiori*, that he did take measures forcibly to convert the Jews to Islam. In dialectic after the mediaeval fashion Maimonides sought to counter Muslim polemics against Judaism —these in brief were that God's dispensation to Muḥammad abrogated the law of Moses, and that the Jewish scriptures contained predictions of the coming of Muḥammad.

'Abd al-Nabiyy's attitude, however, is out of line with policies of most later rulers who thought of expelling the Jews on the grounds that they had broken their covenant (*'ahd*), or that the Prophet, on his deathbed, had given an instruction to expel them from the Peninsula. Exceptionally, nevertheless, the Ayyūbid Ismā'īl b. Ṭughtakīn, in the last decade of the 6th/12th century is recorded as ordering the conversion of Christians and Jews to Islam.[41] That the Jews had prospered in the Yemen is evident from Maimonides'[42] statement that, 'Men of business and traffic unanimously declare to all inquirers that they had found in the Yemen a beautiful and delightful plantation, and a rich pasture with faithful shepherds where every lean one shall wax fat.'

A Messianic rising, or so Goitein interprets it on the basis of Ḥabshūsh's[43] account of his travels, took place three centuries later, meeting with some success. Zabārah's[44] version is that in 905/1499-1500 a Yahūdī appeared in Bayḥān of the eastern parts (Mashāriq) of the Yemen, as an impostor (*mumawwih-an*). The rabble (*al-awbāsh*) collected around him and he became a place of refuge to him who had committed offences (*aḥdath al-aḥdāth*). So Sultan 'Āmir b. 'Abd al-Wahhāb, the Ṭāhirid, went to Bayḥān with a band of soldiers, making a show of going to the hunt, and for recreation (*nuzhah*), but the Yahūdī took warning and removed from the place at which he thought the Sultan would alight. This Yahūdī behaved haughtily and overbearingly (*tajabbar wa-takabbar*), rode horses with saddles with silver mounts (*surūj mufaḍḍaḍah*), and every Jew supported him. The place where he had hidden was pointed out to the Sultan and he sent men who drove him out and seized him and his children and those who had joined him. They brought them humiliated (*dhalīl-an*) to the Sultan, and he ordered him to be executed. A Ḥaḍramī writer adds that he was insolent to (*yataṭāwal*)[45] to

37 Nazīh, op. cit., I, 292-93, says that the Imām has prohibited the emigration to Palestine but some Jews go without the Imām's knowledge, via Aden.

38 Today there is only one, perhaps two Jews in Ṣan'ā' (1975), as contrasted with Nazīh, op. cit., I, 141, 10,000 males, and Mohammed Hasan, *Qalb al-Yaman*, 167, 5,000.

'There were one thousand silversmiths among the forty-five thousand Yemenite settlers in 1949—the proportion is much larger than it seems for Yemenite families are large—but at present only about fifty ply their ancestral skills.' 'The story of Zecharia is typical. He belongs to a group of silversmiths, . . . who were not allowed to leave until they had taught the Moslems the secrets of their calling. He has been settled in his village, an hour's run south of Tel Aviv for five years now, but he is not happy. "In Yemen", he says, "I made ten bracelets a month and I had enough money to feed my family, and leisure to study the Holy Law. Here I work every day, all day long and I cannot make ends meet." ' (Nahum Pundak, 'The Jewish silversmiths from the Yemen', *Ariel*, Jerusalem, 1966, XV, 26, (with excellent illustrations of silver jewellery).

39 A. S. Halkin and Boaz Cohen, *Moses Maimonides' Epistle to Yemen*, New York, 1952, 1. Michael L. Bates, 'Yemen and its conquest by the Ayyubids of Egypt (A.D. 1137-1202)', Chicago University thesis, June, 1975, 304, says al-Mu'izz Ismā'īl (ob. 598/1202) ordered conversion to Islam of the Yemen Jews and Christians.

40 H. Cassels Kay, *Yaman, its early Medieval history*, London, 1892, 164.

41 Ibn Furāt, *Tārikh*, IV, fols. 198 a & b, quoted by M. L. Bates.

42 Ibid, loc. cit.

43 In an article in the Literary Supplement to *Ha-Aretz*, 17, ix, 50.

44 *A'immat al-Yaman*, Ta'izz, 1372/1952, 1, 360. Zabārah is drawing on Ms. sources not named. The entry on this event from the Ḥaḍramī chronicle of Bā Faqīh al-Shiḥrī is quoted in Arabic in *BSOAS*, London, 1950, XIII, ii, 294. Cf. the British Museum Ms. *al-Sanā' al-bāhir* of al-Shillī, fol. 180a, Vienna Ms of *Qurrat al-'Uyūn*, 88a. Cf. 'A Judeo-Arab house-deed from Habbān', *JRAS*, Oct., 1953, 117-31, for general background.

45 *BSOAS*, loc. cit.

the Muslims, and was followed by many Jews, especially those who had become Jews after turning Muslim, i.e., apostates from Islam.[46]

Perhaps, over the next decades, there may have been recrudescences of agitation among the Yemenite Jews, Messianic or otherwise, involving them in antagonism with the Muslims. If it was so, then the chroniclers have ignored it until the *Ghāyat al-amānī*[47] in the entries for the year 945/1538-9, remarks, 'During this period declarations and disputations (*al-aqāwīl wa-'l-murāja'āt*)[48] on account of the dwelling of the Jews of the Ahl al-Dhimmah in the Arabian Peninsula were frequent. So the Imām Sharaf al-Dīn and the Qāḍī Muḥammad b. 'Abdullāh Rāwa'[49] composed a decree (*marsūm*) deciding that they be allowed to remain on the basis of their covenant and religion as formerly, and they have stayed established according to this up until now (i.e. 1045/1636). The ulema of the two factions agree that what is intended by Jazīrat al-'Arab is the Ḥijāz[50] only. God is most knowing.' This decree then was issued a little after a decade from the destruction of the Ṭāhirid dynasty, in that era of Zaydī dominance of the Yemen just before the Ottomans took Ṣan'ā'.

Around about this time, possibly, it could be that Ibn Ḥajar al-Haytamī[51] (911-73/1505 to 1565-6) delivered his pronouncement on synagogues, though whether this Shāfi'ī *'ālim* had any direct links with the Zaydīs does not seem to be known. The question was put to him, 'One of them has given a *fatwā* on the demolition of all the synagogues of the Yemen—is what he said correct or not?'

'He replied, may Exalted God, far from imperfection, benefit us and the Muslims through his knowledge (*'ilm*), with the words, "The Yemen is one of the places whose people accepted Islam at his (the Prophet's) hands, and the two Shaykhs[52] have linked up this section with what is known to have been introduced in Islam, in that whatever synagogue, about the innovation or antiquity (*qidam*)[53] of which there is doubt, is not to be demolished because of the possibility that it was (originally) in an open piece of country (*barriyyah*), and building (*'imārah*) has extended up to it. But Ibn al-Rif'ah[54] and those who followed him in (the matter of) the synagogues of Cairo, took the course that declares all of the synagogues of Aden should be demolished, because of the utter impossibility of that eventuality in their case, since the wall surrounding it (Aden) is ancient, pre-Islamic, it (the wall) being enclosed by the mountains and sea, so that it is not possible that Aden's synagogues were anything else but the buildings (*'imārah*) of the town, and that (the buildings) extended up to them."

In the 11th/17th century however, it was a disturbance outside the Yemen in Jewry, which had repercussions among the Jews of the Yemenite community. A certain Shabbatai Ṣwī born at Smyrna in 1626, a mystic, proclaimed himself Messiah when aged only 22 and foretold that 1648 would be the 'Year of Salvation'. Driven from Smyrna by the rabbinate, he went to Istanbul, then Cairo and he found support there with the powerful treasurer to the Turkish Governor, Raphael Ḥalabī. He went to Jerusalem where a young student recognised him as Messiah, and proclaimed 1666 to be the apocalyptic year. Shabbatai returned to Smyrna and his movement spread to Jewish communities in Europe and the cities of North Africa. In the vital apocalyptic year he went to Istanbul, but was imprisoned, and, taken before the Ottoman Sultan in Adrianople where he was threatened with torture, he became converted to Islam. The Sultan re-named him Mehmed Effendi and appointed him his personal door-keeper. Few of his disciples were not disillusioned by his apostacy, and he is regarded by the Jews as a false Messiah.

Jewish writers have described the effect of Shabbatai's Messianic movement on the communities of the Yemen, but let it be described as the Zaydī ulema and administrators saw it from the chronicles of *Ṭabaq al-ḥalwā* which follow. The Jewish challenger to the Qaṣr of Ṣan'ā' may, it seems, be identified with a certain scholar, chief and Nagīd (headman) called Moshe who lived in Ṣan'ā', or the Head of the Ṣan'ā' community, Mori Slīmān al-Jamal, who, the Jewish source tells us, dressed in royal clothing, was arrested, led out, and, with the words, 'This is your Messiah', executed.[55]

The *Ṭabaq al-ḥalwā*[56] describes the event in the following terms:

> In Rajab 1076/January-February 1666, the Jews made preparation to leave the(ir) abode (*al-muqām*) and join their brethren in Jerusalem (Bayt al-Maqdis) and Syria (al-Shām), alleging that their king the Messiah (al-Masīḥ) Ibn Dāwūd had appeared there and that complete sovereignty had been assured him. They sold their goods at low prices and made preparations to assemble to go on the road of Satan.[57] Some of them spread news that he (the Messiah) would bring them what would bear them to that place without fatigue or fear.[58]

Here the author interposes a reference to the Jews in the Qur'ān verse[59] *'Fī ṣudūri-him illā kibr-un*, In their hearts is naught but arrogance', citing also the *Kashshāf* of al-Zamakhsharī, to refute their Messianic claims. He then continues,

> 'The Qāḍī Shihāb al-Dīn Aḥmad b. Sa'd al-Dīn[60] wrote down a question to the Imām. In the response (of the Imām) there occurred what decides that their not abiding by the customs of protection (*rusūm al-dhimmah*) annuls (automatically) that (protection). This judgement (*kalām*) was passed from one to another until it reached Kawkabān and Shibām, so they raped (*hatakū*) the women of those Jews there with them and seized what they had in the way of furnishings, jewellery and money, and when the crier in Shibām proclaimed[61] that this was by order of the Imām the people of Ḥāz, al-Ghurzah[62] and al-'Arūs set energetically to robbing those (Jews) with them. A body of Hamdān and Ḥaḍūr arrived at Ṣan'ā', but the pasture was afflicted with drought in their case and the attempt in vain, for the Amīr of the town, Sayyid Jamāl al-Dīn 'Alī b. al-Mu'ayyad held them back. When the Imām heard of their robbing he closed that door, reminding that he had not commanded robbery (of the Jews), and punishments (*ādāb*) were meted out to those who had robbed them.
>
> When the fire of their folly had begun to die down and no (further) attention was being paid to their overt[63] action, they

46 Goitein's article suggests that von Maltzan's statement that Jews were not allowed to live in Bayḥān is confirmed by the crushing of the movement there. However the Aden newspaper *al-Nahḍah*, 2, XII, 1949, 86, notes that the Jews leave Bayḥān for Palestine. In 1954 one met there Muslimānīs, Jews converted to Islam—not improbably after 'Āmir put down this Jew in question.

47 Op. cit., II, 685, reproduced almost *verbatim* by Zabārah, *A'immat al-Yaman*, I, 418.

48 This phrase is capable of a variety of interpretations.

49 Reading Rāwa' for the editors' Dāwa', following Zabārah.

50 While not wishing to enter into the theoretical problem as to whether the Ḥadīth attributed to the Prophet means that he intended the Yemen also, it does not look as if the Ḥadīths quoted in Wensinck's *Concordance* from Bukhārī and Muslim carry this intention.

51 *Al-Fatāwā al-kubrā*, Cairo, 1938, IV, 248, Ibn Ḥajar al-'Asqalānī, *Risālah fī baqā' al-Yahūd fī arḍ al-Yaman*, ed. Muḥammad b. 'Abd al-'Azīz al-Khawlī, Cairo, 1344 H., is cited by Brockelmann, *Gal., Sup.*, II, 74, but this was unavailable to me. Al-'Asqalānī died in 852/1449.

52 Presumably Abū Bakr and 'Umar.

53 *Qidam* means also pre-existence, so pre-Islamic is probably intended.

54 Aḥmad b. Muḥammad al-Rif'ah al-Miṣrī al-Shāfi'ī, ob. 710/1310, was in charge of *ḥisbah* in Egypt.

55 Brauer, *Jemenitischen Juden*, 375-6.

56 *Ṭabaq al-ḥalwā*, fol. 63a.

57 The *Ṭabaq* being composed in rhymed prose, 'Satan' fits the rhyme, but has little real significance.

58 This traditional belief of the Yemenite Jews was skilfully utilised by the promoters of the 1949-50 exodus, as even in the title *Magic Carpet* of Shlomo Barer, London, 1952.

59 *Qur'ān*, XL, 56.

60 Cf. al-Shawkānī, *al-Badr al-ṭāli'*, Cairo, 1348 H., I, 58, for his biography.

61 *Ṣarakh al-ṣārikh*.

62 Reading confirmed by Robert Wilson for the text's *'rzah*.

63 'Overt' is probably inserted only to rhyme.

turned to a man of theirs and decked him out in the most splendid clothing and circulated the cups of drink about him. Then once the evil spirit of wine (*ghūl al-khamr*) had seized him and brought him into an exuberant state, he went up to al-Qaṣr al-Kabīr, desiring to ascend its seat and throne, summoning (both) those serving (*al-ma'mūr*) and the Amīr to obey him. He addressed the Sayyid Jamāl al-Islām[64] in Hebrew with a speech the purport of which was that your sovereignty is ended, so strike your tents, come out of al-Qaṣr and surrender the command to me! Those people around (*ahl al-ḥaḍrah*) hastened to pull him down and each of them applied himself to his sandals and poured upon him a rain without a spring-time[65] by way of deserts for this disgraceful and impudent act. Then they went on with him to al-Bustān[66] Prison where they lodged him in the lodgings of abasement, taking off the silken robes he was wearing. Thus was his authority (*riyāsah*) metamorphosed into chastisment (*ta'zīr*) just as his brethren were metamorphosed into apes and pigs.[67] His case was brought up to the Imām (al-Mutawakkil Ismā'īl b. al-Qāsim) whose answer returned containing satisfaction for the people for the evil of him, and giving him to taste of the consequences of his breaking (the covenant with the Jews) and his trickery. So they brought him to al-Ḥalaqah and struck off his head; he was strung up at Bāb Sha'ūb where he remained some time in the position of one who had been hung (*maṣlūb*).

At this (same time) the Imām doubled the penalties/fines (*ādāb*) on the Jews, removed their turbans from (their) heads and sent up their chiefs (*kibār*) to the prisons.[68]

The reprisals taken against the Yemeni Jews, probably mainly in Ṣan'ā', seem to have been severe, for about three years later, in 1080/1669-70,[69] 'the Imām lifted the fines (*ādāb*) from the Ahl al-Dhimmah (the Jews) after some of them had died of starvation and some had adopted Islam.' In the year 1084/1673-4[70] 'the Imām released their property to the Jews, the curse of God be on them, and removed from them (payment of what) was over and above the poll-tax (*al-zā'id 'ala 'l-jizyah*).' However, in 1086/1675-6, 'the Imām ordered that the property of the Dhimmīs throughout the country should be evaluated (*tuqawwam*) and the tithe (*'ushr*) be taken from them—from which he collected a lot.'[71] A likely explanation of this entry in the chronicle is that the Imām, after restoring their property to the Jews, allowed them about two years in which to bring it back into productivity, free of tax.

Al-Mutawakkil was succeeded by the warrior Imām al-Mahdī Aḥmad b. al-Ḥasan, and it is recorded[72] that in Sha'bān, 1088/ September, 1677, 'the order of the Imām was issued to al-'Izz[73] Muḥammad b. al-Mutawakkil 'ala Allāh to expel the Jews and destroy their synagogues. After the order to do this, he entered into their case with the Ṣan'ā' ulema, and, of these latter, Qāḍī Muḥammad b. 'Alī Qays al-Thulā'ī[74] and, with him in this, Qāḍī Muḥammad b. Ibrāhīm and Qāḍī Aḥmad b. Ṣāliḥ b. Abi 'l-Rijāl[75] inclined to the Imām's opinion (*ra'y*). This (view) was also conveyed (*nuqila*),[76] on the authority of the Qāḍī Abū Zakariyā',[77] from the ulema of the Shāfi'iyyah, but some of them said, "This is not found in his writings (*mu'allafāt*), and support for this is (to be looked for) in the Tradition which was the last speech the Prophet uttered, containing '*Akhriju 'l-Yahūd min Jazīrat al-'Arab*,[78] Expel the Jews from the Arabian Peninsula', to be construed as preserving the sense of 'Jazīrah' in its plain meaning. A group of the ulema of the time inclined (to consider) the 'expulsion' of them, occurring in the first part, was from the Hijaz[79] only, and that not to obstruct them in other parts of the rest of the lands of the Peninsula[80] is tantamount to a rule (*ḥukm*)."[81]

'So the Imām took active steps to demolish those synagogues he found in Bilād al-Bawn and when he came to a decision on the matter the Imām made them travel to Mawza', and a scholar of theirs perished. Then after a while they returned to their places, but most of these had been sold, and there was selected for the Jews of Ṣan'ā' their quarter (*maḥall*) of Qā' Ṣan'ā' known to the present day.'[82]

A little later[83]—'in these days (1090/1679) the synagogue (*kanīsah*) of the Jews in Ṣan'ā' was (re-) opened after the Imām had ordered it to be nailed up, and those of their books it contained were taken out, and the wine that was in its store (*mikhzān*)[84] poured into its latrines (*maṣālīḥ*).[85] He ordered the Jews to go out (from Ṣan'ā') and they went out in bands.[86] They sold such of their houses as would sell well (*nafaqa*) and destroyed what

64 Presumably the same as 'Alī al-Mu'ayyad, supra.
65 Cf. al-Tha'ālibī, *Thimār al-qulūb*, Cairo, 1965, 655, no. 1108, Spring rain is the most advantageous.
66 i.e. Bustān al-Sulṭān.
67 Cf. *Qur'ān*, V, 66.
68 'Abdullāh Muḥammad al-Ḥabshī, 'Wathiqah tārikhiyyah 'an Yahūd al-Yaman', *al-Bayān*, Kuwait, May, 1974, XCVIII, 52-8, describes this event. Al-Jirāfī's account (*Muqtaṭaf*, 163) of the 1077/1666 episode provides some further particulars. The Jews of Ṣan'ā' and other parts of the Yemen 'broke the treaty', and corresponded with each other in all districts of the country, claiming that al-Masīḥ al-Dajjāl had appeared and they had become his supporters. The era of the Muslims had come to an end so they began to sell their possessions and angry sayings (*bawādir*) and reprehensible acts appeared on their part. So the Imām quickly imprisoned a number of their notables, confining their chief (*kabīr*) al-Naqqāsh (Slimān al-Naqqāsh) in Kamarān. In Ṣan'ā' they collected round Sulaymān al-Aqṭā' (Shelomoh al-Qāta'), decked him out and loaded him with weapons. They gathered around him and went to the Amīr of the Qaṣr, 'Alī b. al-Mu'ayyad but on the way they got separated from him and he arrived by himself at the Qaṣr. When he entered the presence of the Amīr he said in a language which only a few of those present understood, 'get up from your seat for your turn of fortune has departed (*qad dālat dawlatu-kum*) and your era has come to an end.' Thereupon the Amīr commanded that his mental faculties be examined, thinking he was afflicted by madness or by the jinn (*khabal*), or that he was drunk. But when it became evident that he was sane and in full possession of his mental faculties he put him in prison, and when his case came up to the Imām he ordered him to be executed and hung up. Jirāfī quotes verses by Aḥmad al-Yanbu'ī on this occasion.
69 *Ṭabaq al-ḥalwā*, fol. 80b.
70 Ibid, fol. 100b.
71 Ibid, fol. 106b.
72 Ibid, fol. 119a.
73 Text *al-'rr*.
74 Thulā'ī is restored from a word lacking diacritics, but is not a *nisbah* given in *Mulḥaq al-Badr al-ṭālī'*, 205. He died at Qaryat al-Qābil in 1096/1685.
75 For Muḥammad b. Ibrāhīm, see *al-Badr al-ṭālī'*, II, 95. For Aḥmad b. Abi 'l-Rijāl, see ibid, I, 59, and Brockelmann, *Gal., Sup.*, II, 561. He flourished from 1029/1620-1092/1681, and, in his latter years, was secretary to al-Mutawakkil Ismā'īl. Abu 'l-Rijāl is a celebrated Qāḍī family. A work known to Brockelmann, *al-Nuṣūṣ al-ẓāhirah fi ijlā' al-Yahūd al-fājirah*, (Ambrosiana, D. 500) is probably written by him, and not by his descendant of the same name (*al-Badr al-ṭālī'*, I, 61). Another treatise, *al-Tanbīh 'alā mā wajaba min ikhrāj al-Yahūd min Jazīrat al-'Arab*, by an unidentified 'Alī b. Ismā'īl al-Nihmī is also preserved in Ambrosiana D. 500, ii. The first at least ante-dates the controversy on the literature on the expulsion of the Jews on p. 394a (n) seq.
76 The Ms. has no diacritics.
77 Muḥammad al-Ansārī al-Nawawī, ob. 676/1278, the celebrated *'ālim*.
78 Bukhārī, *Ṣaḥīḥ*, ed. Krehl, II, 295, *Akhriju 'l-mushrikīn min Jazīrat al-'Arab* is one of the three injunctions of the Prophet on his death-bed quoted by the Ḥadīth. 'Umar expelled the Jews from the Hijaz (ibid, II, 72). Cf. Muslim, *Ṣaḥīḥ*, with al-Nawawī's commentary, IV, 94, ditto.
79 In opposition to expelling the Jews from the Yemen was Ḥusayn b. Muḥammad al-Maghribī al-Ṣan'ānī who became Qāḍī of Ṣan'ā' in the days of al-Mahdī Aḥmad b. al-Ḥasan. He flourished from 1048/1683-9 to 1119/1707-8. *Nashr al-'arf*, Cairo, 1359-76 H., I, 622-3, says he wrote a *risālah* on the Ḥadīth, *Akhriju 'l-Yahūd min Jazīrat al-'Arab*—in this, taking his stand on the reading (*riwāyah*) '*min al-Ḥijāz*', he argued that the intention was to expel them from the Hijaz only.
80 Al-Shāfi'ī is quoted as saying, 'I do not know anyone who expelled any of the Ahl al-Dhimmah from the Yemen,' by Muḥammad b. 'Alī al-Akwa', *al-Wathā'iq al-Islāmiyyah al-Yamaniyyah*, Baghdad, 1396/1976, 174-282.
81 An involved hair-splitting grammatical argument has been omitted here.
82 According to Goitein, *From the land of Sheba*, New York, 1949, 105, Sultan Ṣafiyy al-Dīn took the Jews back from Mawza' to Ṣan'ā'. This is al-'Izz Muḥammad b. al-Mutawakkil who succeeded al-Mahdī Aḥmad in 1092/1681. The scholar who perished would be Mōrī Yaḥyā al-Abyaḍ (ibid, 104).
83 *Ṭabaq al-ḥalwā*, fols. 122b-123a.
84 Shawkānī, *al-Badr al-ṭālī'*, I, 45, reads *miḥrāb* for *mikhzān*, improbably. When wine made by the Jews came to public notice, especially if sold to Muslims, it was destroyed, as for example in 1069/1658-9 when the Imām's guards smashed Jewish wine-vessels (*Ṭabaq al-ḥalwā*, 43b).
85 Dozy, *Supplément*, gives this sense.
86 Cf. *Qur'ān*, CX, 2.

did not sell. The synagogue was destroyed and 'Izz al-Islām Muḥammad b. al-Mutawakkil held a discussion on it on account of its antiquity (*taqaddum*) as is in al-Rāzī's *Tārīkh*[87] and other (histories). Then the Imām resolved on that which was desired, so it was demolished and in its place was built the mosque known today as Masjid al-Jalā (the Mosque of the Expulsion), and on its frieze (*ṭirāz*) were inscribed (the following verses) by the Qāḍī, the very learned Muḥammad Ibrāhīm al-Saḥūlī:[88]

Our Imām is al-Mahdī, sun of (religious) guidance,
Aḥmad, (grand-) son of him who rose (al-Qā'im)[89] al-Qāsim.
Exalted miracles are his, such as were not
Accorded before to (any) Hādawī or Qāsimī.[90]
Were there none of them but his expulsion
Of the Jews of Ṣan'ā', the wickedest of the World,
And his conversion of their synagogue (*bī'ah*) into a mosque
For those prostrating themselves to God, and those rising (*qā'im*) (to prayer),
Triumphant he would have been with the ordering of it, gaining.[91]
And the date comes together in *ghānim*[92]

Among others the eminent poet and Cabbalist of the Jews, Mōrī Sālim Shabazī,[93] has left a lament on the expulsion of the Ṣan'ā' Jews to Mawza' which took place when he was in his later twenties. Shabazī went with Rabbi Sulaymān Naqqāsh to negotiate permission to settle there for the Jews who had gone to Dhamār until they could sell their Ṣan'ā' property as described in the verses,

I shall pour out my tears—like rain they pour—on all the sons of desire who have gone into exile.

They have forgotten happiness and are humiliated: they were uprooted in haste, in the desert they tread.

On the day when Uzal (Ṣan'ā') went into exile, and they bore the burden. Sun and Moon were extinguished at their coming forth . . .

Midrash, Talmud and Torah they have abrogated, clerk and elder are dragged away . . .

Hadoram (i.e. Dhamār), to thee the congregation of God is dragged away . . .

Ḥabshūsh claims that the Imām's original intention was to deport the community to Zayla', but this was altered to Mawza' on intervention by the chiefs of the tribes. It is by no means certain that all the Ṣan'ā' Jews settled there for there are also reports of their settling at Ta'izz and Jiblah which are far more congenial than Mawza' where the water they found was bad, though relations with the authorities in Mawza' itself were good.

Jewish Versions of the Expulsion from Ṣan'ā'

The temporary expulsion of the Ṣan'ā' Jews to Mawza' is the most significant event in their history. It is presented by Jewish writers,[94] basing themselves on Yemeni Jewish sources, as a sudden act of tyranny on the part of the Zaydī Imām, but this attitude must be modified in the light of the Muslim sources now at our disposal. The Ṣan'ānī Jew whose tales, recorded by Leslau,[95] though semi-legendary have an undoubted basis in fact, describes the incident. 'It is said that, in the days of Aḥmad al-Mahdī, it was decreed that the Jews who dwelled in Ṣan'ā' be expelled from the city and that they be given a dwelling-place in Mawza'. Now Mawza'[96] was a deserted region (*khalā'*) and a habitation of wild animals and beasts. So the Jews were moved to Mawza' by force, against their will.' There follows an account of the sufferings the Jews endured in the hot climate of Mawza', and though their supposed sufferings from wild beasts should probably be discounted as legend, a community of craftsmen so suddenly displaced from its means of gaining a livelihood, cannot but have had much to endure.

However, as Jarashī[97] tells us, the Muslims of Ṣan'ā' regretted their action, in expelling the Jews from Ṣan'ā' 'because nobody remained who could do the work they needed. For all the Jews were craftsmen, some used to weave cloth, some were silversmiths, some used to make (*waqqār*)[98] millstones, some were blacksmiths, some carpenters, some makers of boots (*bashāmiq*), some were builders, and some used to make bricks (*yilbanū*)[99]—I mean they used to be acquainted with all the crafts. The Muslims decided to bring the Jews back except only that they would settle them outside Ṣan'ā' city, and the place (*maṭraḥ*) is called Qā' al-Yahūd, and they brought back the Jews and they settled there.' On their return from Mawza' the leader of the Jews was Yaḥyā ha-Laywī al-Shaykh,[100] perhaps of the family that gave its name to the pottery described as the manufacture of al-Laywī[101] in the early 13th/19th century.

Al-Badr b. al-Amīr and the Ṣan'ā' Jews

On the two recorded occasions later, Zaydī Imāms contemplated measures to expel the Jews from the Yemen, but these came to nothing. Such political reasons as may have lain behind ostensibly religious motives are at present not at all clear, but there were always ulema holding the view that, as long as they kept to their contract with Islam, there was no cause to expel them. There were always solid economic reasons for retaining the Jews. Some fifty years after the settlement in Bīr al-'Azab, the question once more came to the fore, touched off by an unfortunate accident which brought into the broad light of day their selling of wine to Muslims. The scholar of note, Ibn al-Amīr, had enemies among the ulema, and certain of them, hostile to him, had tried to implicate him in allowing the Jews to do so, and his reaction against these latter was severe.

In the histories the clandestine and illegal sale of wine, legally manufactured by Jews for their own use, to Muslims, recurs again and again. For instance in or about 1063/1626-7, being informed that certain of the Ṣan'ā' Jews were selling wines, the Imām ordered them to be arrested, the wines brought out into the open before the people's eyes, their houses to be demolished and that they be bound with ropes and taken to the fortress of Thulā/Thilā.[102] Again, in Muḥarram, 1071/1660 the Imām prevented the people of the Dhimmah from pressing wine (*'aṣīr al-khamr*) in their houses, and ordered the wine-vessels to be broken.[103]

During the first Ottoman Occupation, Ibn Ja'mān[104] the Shāfi'ī

87 The allusion is not clear. Al-Rāzī, op. cit., 32, speaks of Bī'at al-Yahūd at the lower end of the Copper-tinning Market north of the Christian *kanīsah*, but this cannot be identified with the synagogue converted into Masjid al-Jalā. For the point about antiquity, cf. Ibn Ḥajar, supra, p.173 infra.

88 For al-Saḥūlī, see p.542b. The verses are quoted also in *masājid Ṣan'ā'*, 42.

89 Al-Qā'im—probably alluding to his rising against the Ottomans.

90 A Hādawī is a follower of al-Hādī, al-Qāsimī a member of the House of al-Qāsim the Great.

91 Cf. *Qur'ān*, VIII, 42, *'Mā ghanimtum*, What you take by force from the Unbelievers.'

92 i.e., the numerical value of the letters of *ghānim* adds up to 1091 (1680). The verses are in gypsum-plaster (*jiṣṣ*).

93 See M. Zadoc, *History and customs of the Jews in the Yemen*, op. cit., 56; Brauer, *Jemenitischen Juden*, 351. For the verses, see *Diwan of Hebrew and Arabic poetry of the Yemenite Jews*, coll. and ed. A. Z. Idelsohn, Cincinnati (Palestine pr.), 1930, 98-99, and Ratzaby in *Sefunot*, 1961, V.

94 Goitein, op. cit., 101 seq., Brauer, op. cit., 36.

95 'Texts on Yemenite folklore', *Proc. Amer. Acad. for Jewish research*, Philadelphia, 1944, XIV, 231.

96 *Khalā'* means the open countryside, rather than a deserted region. Mawza' is a large village not far from Mocha. There is quite a lot of cultivation in the area.

97 Leslau, loc. cit.

98 Other sources seem to indicate that *waqqar* means, rather, to roughen a millstone.

99 *Yilbinū*—to make bricks, of Genesis, XI, 2; Exodus, V, 714. I have made slight adjustments to the translation.

100 Brauer, op. cit., 38.

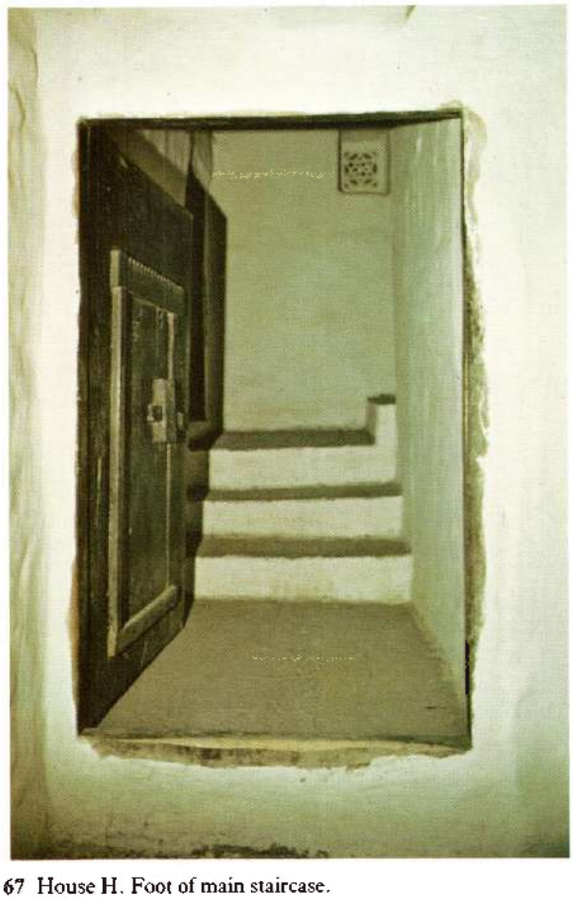
101 *Qānūn Ṣan'ā'*, section 47, a.

102 Al-Jarmūzī, *al-Sīrat al-Mutawakkiliyyah*, 303.

103 *Ṭabaq al-ḥalwā*, fol. 43b.

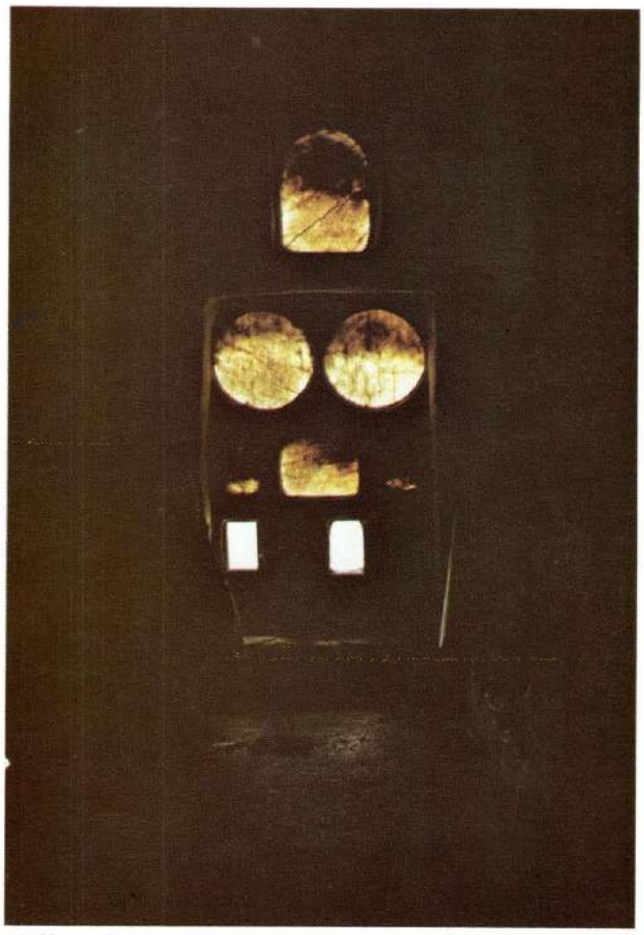
104 *Fatāwā*, 10-11.

66 House H. Entrance hall.

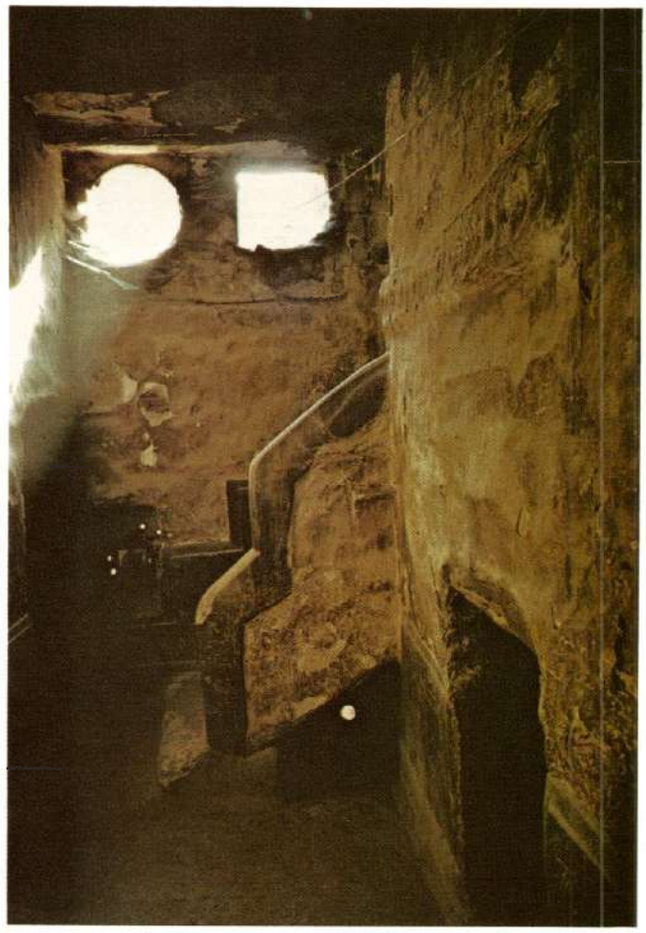


67 House H. Foot of main staircase.

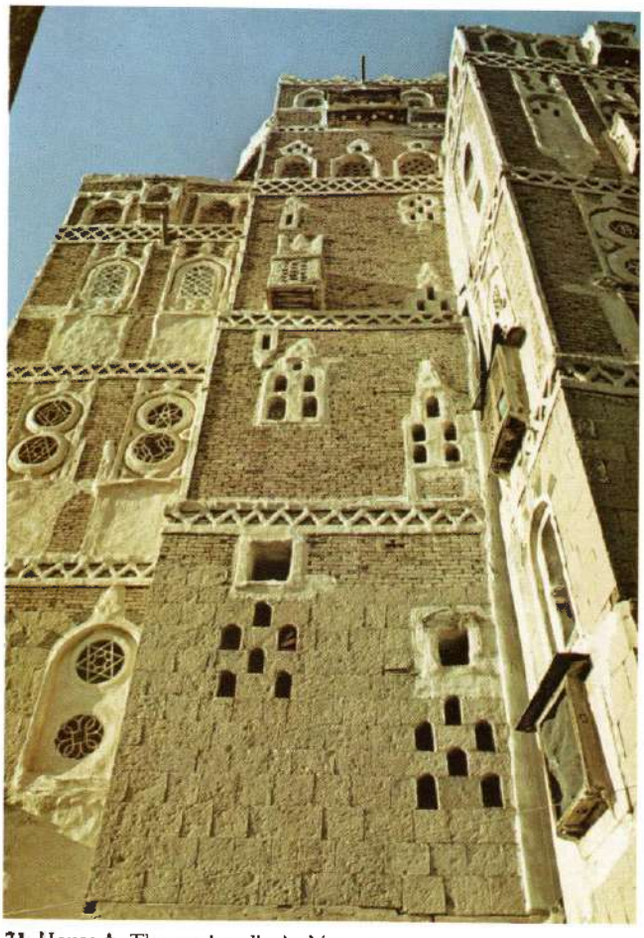
68 House H. *Dīwān*, with carpets (*farḍ*) of black goat-hair and bands of decoration in white wool.



69 House F. Alabaster windows on the landing.

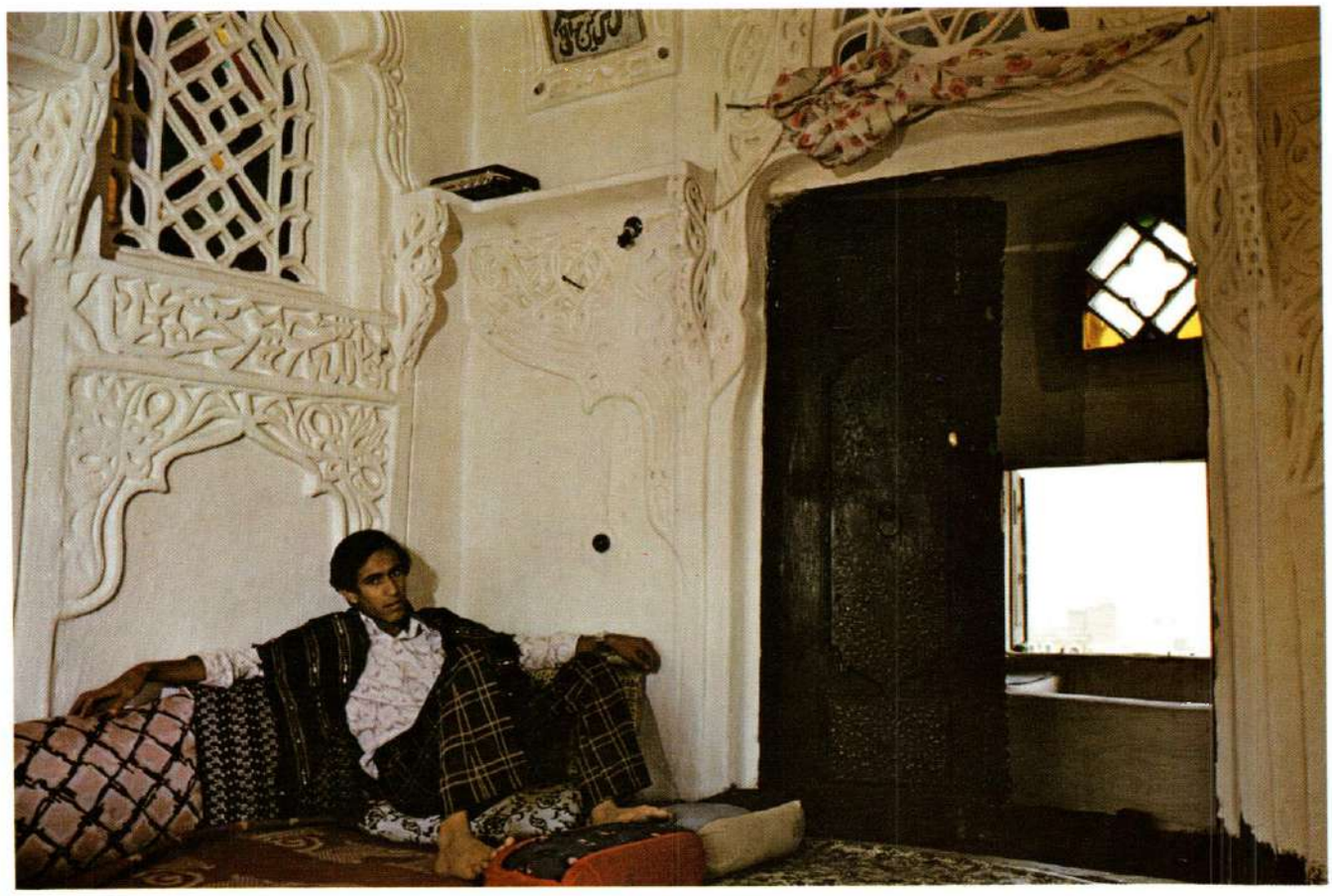


70 House F. Staircase.



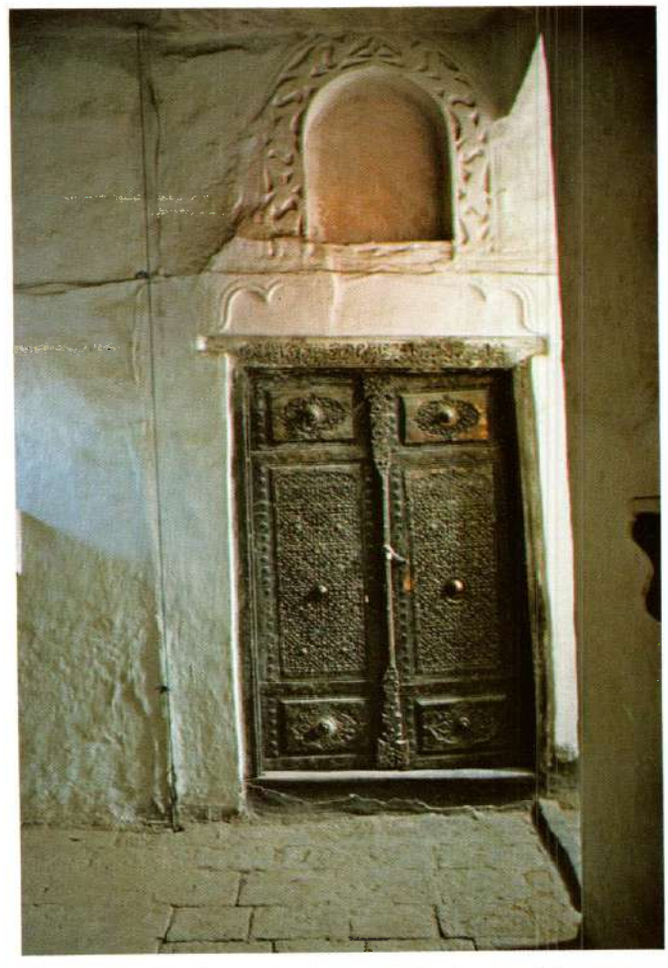
71 House A. The north walls, looking up.

72 Characteristic *dīwān* in an old Ṣan'ā' house, with a brass tray prepared with waterpipes, spittoons and sweetmeat bowls.



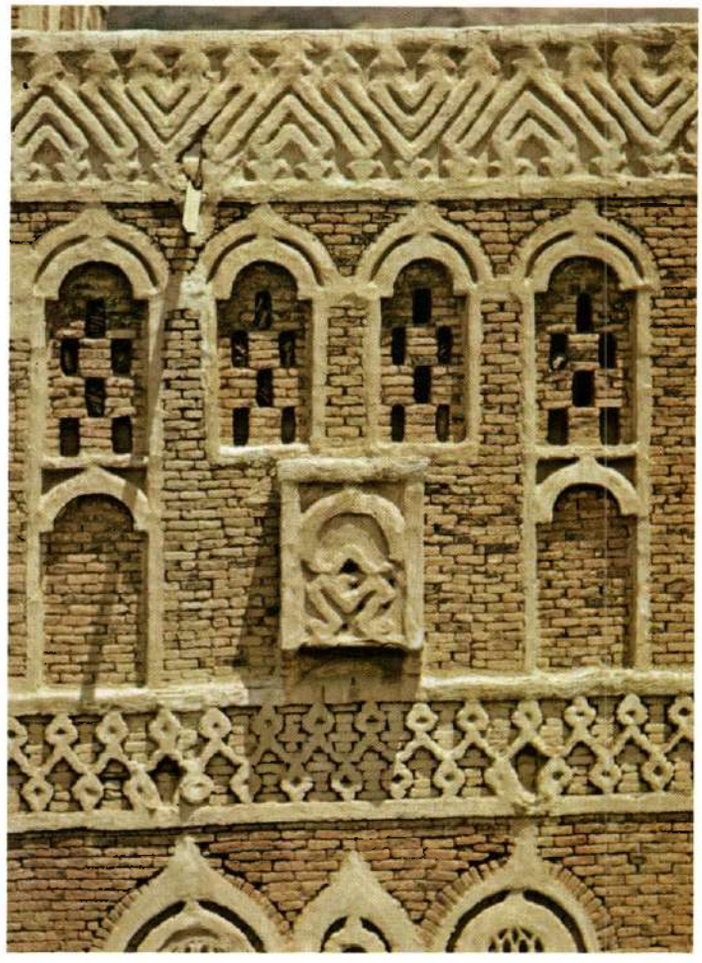
73 House A. The *mafraj*, with the distant view to the north across the lobby.

74 House N. The entrance elevation (with another house on the left).



75 House M. The doors to the *dīwān*, carved and decorated with metal bosses.

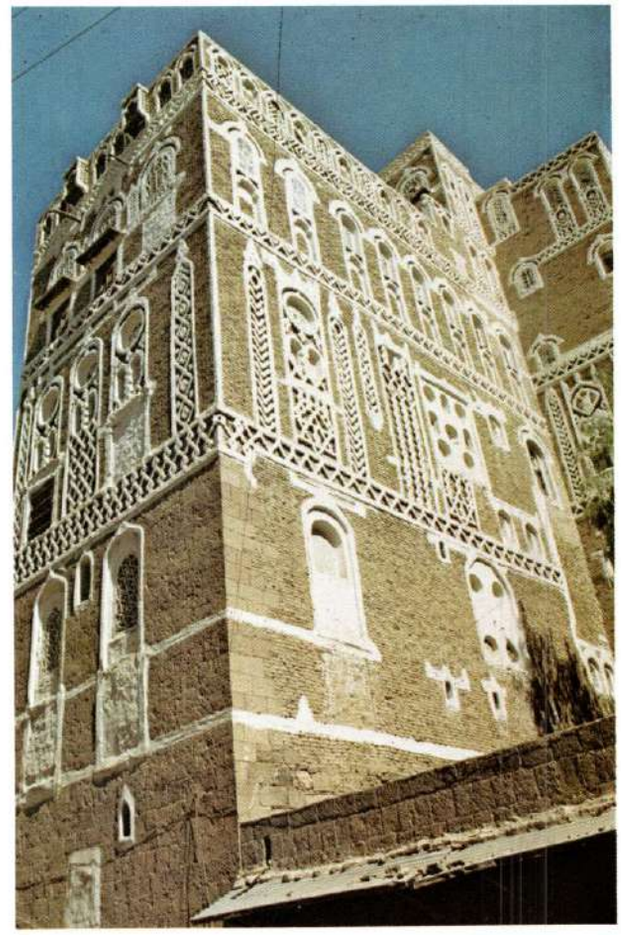
76 House BT. A typical lobby, with a small gypsum staircase leading up to the clothing wardrobe above a bathroom.



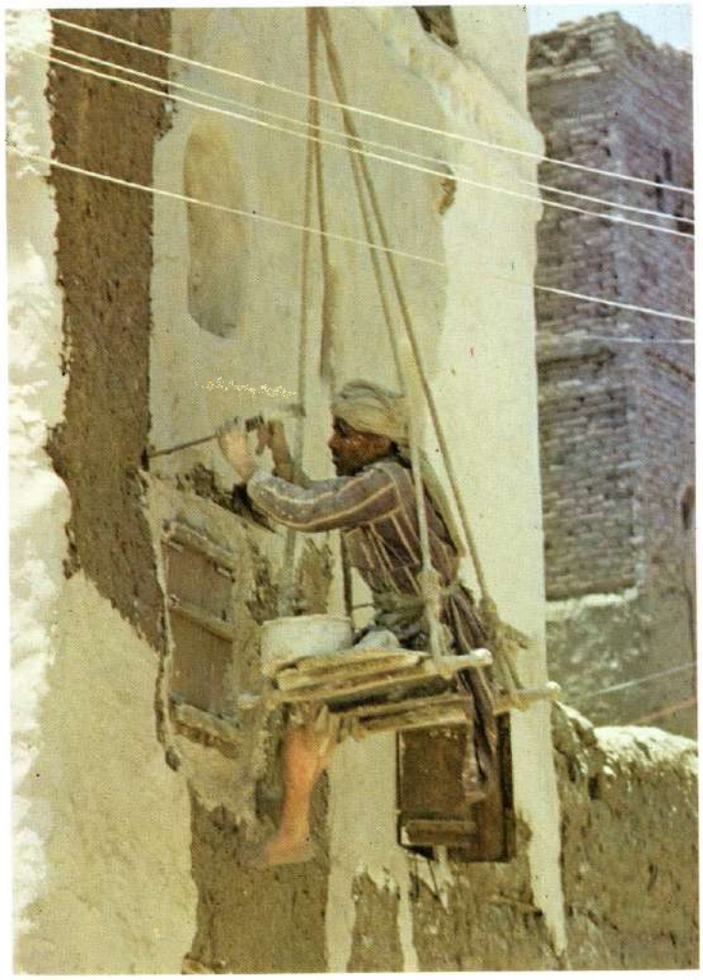
77 A typical exterior of a kitchen in Ṣan'ā'.

78 A typical villa in the gardens outside the western walls of the old city.

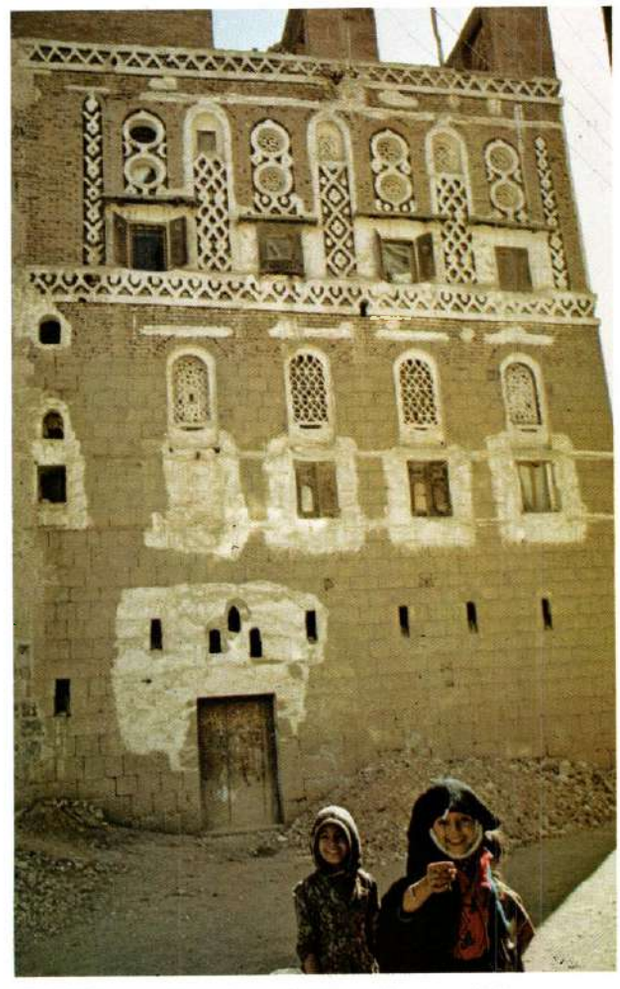
80 Construction of a house. Detail of a house front, showing the brickwork decoration and gypsum window grilles (House M).



79 House at al-Rawdah. The pool seen from the *mafraj*.

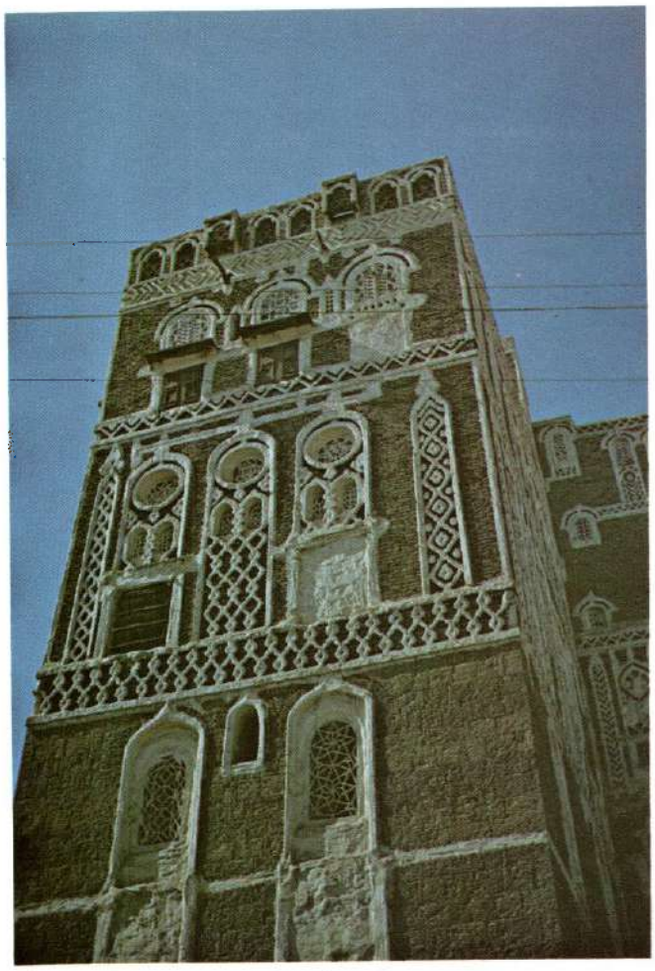


81 Construction of a house. Executing repairs high up on the outside of a building from a cradle (*isqālah*).

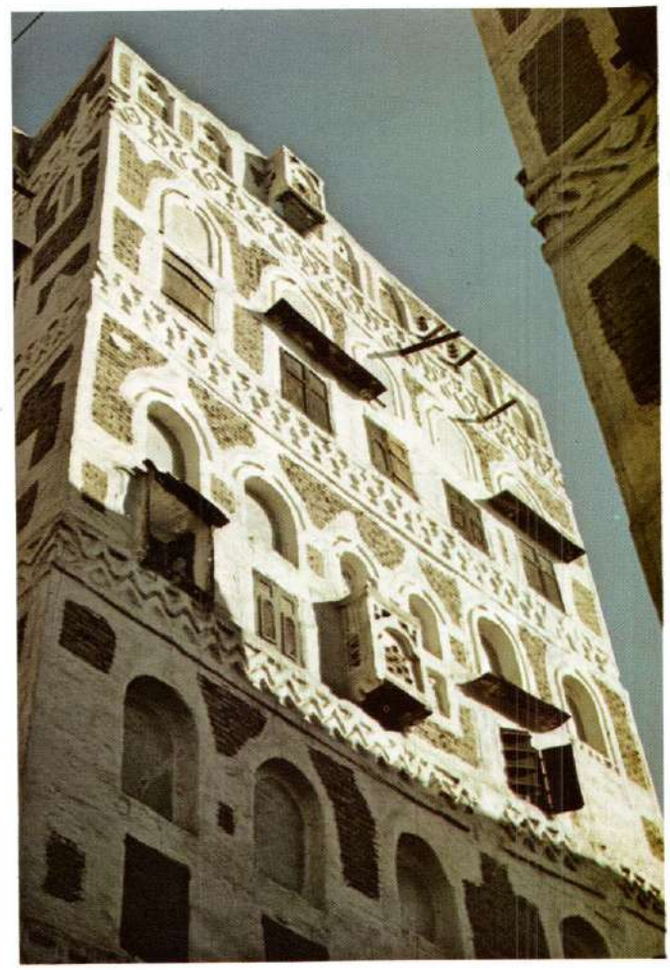


82 Children playing in front of a house with a beautifully decorated upper storey.

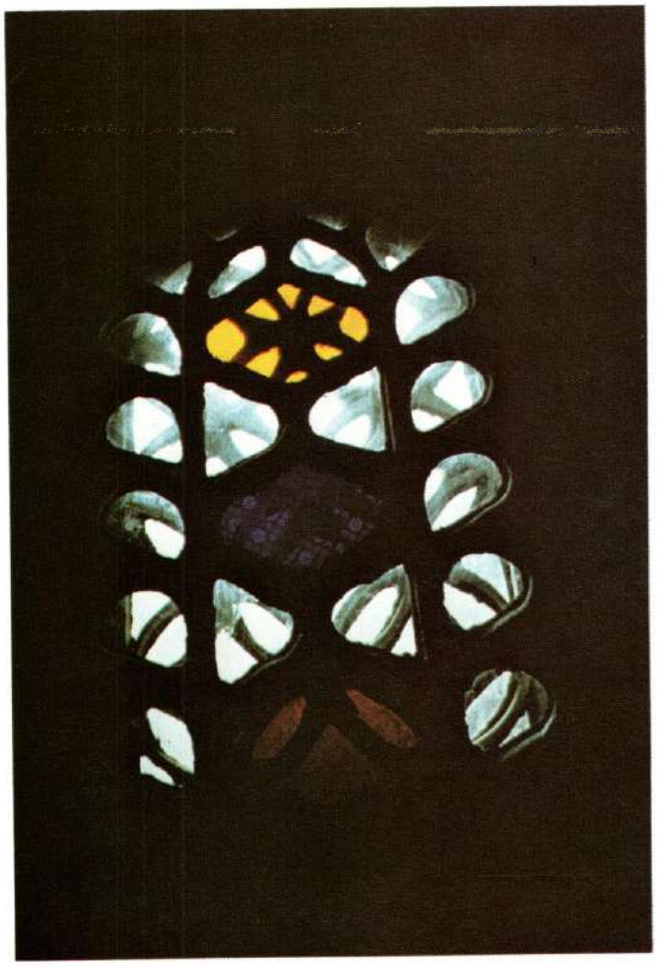
83 Houses and minarets.



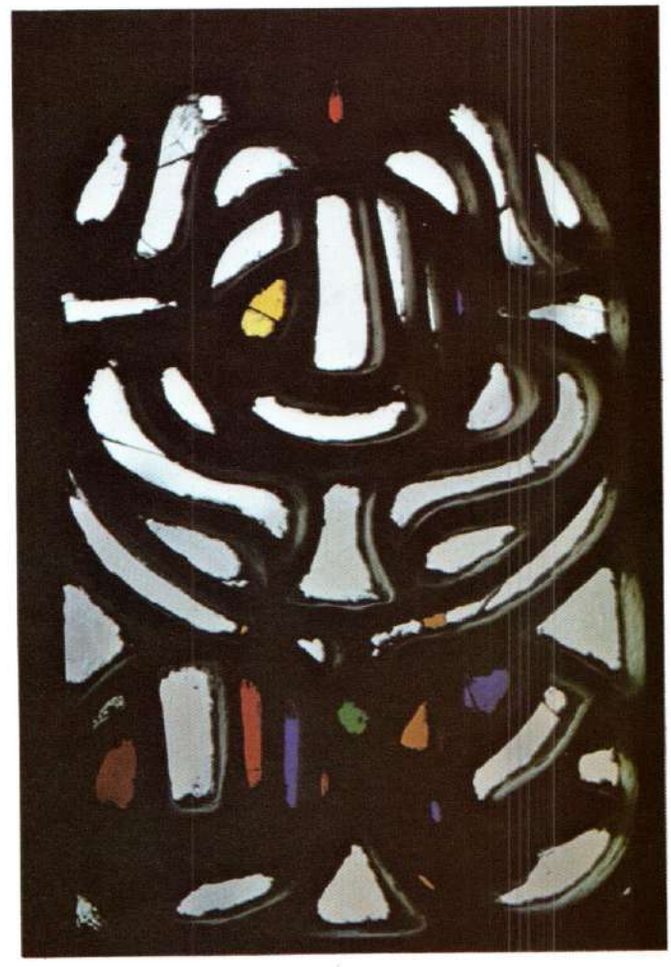
84 Finely decorated house near al-Ṭawāshī.



85 House with large alabaster upper windows.

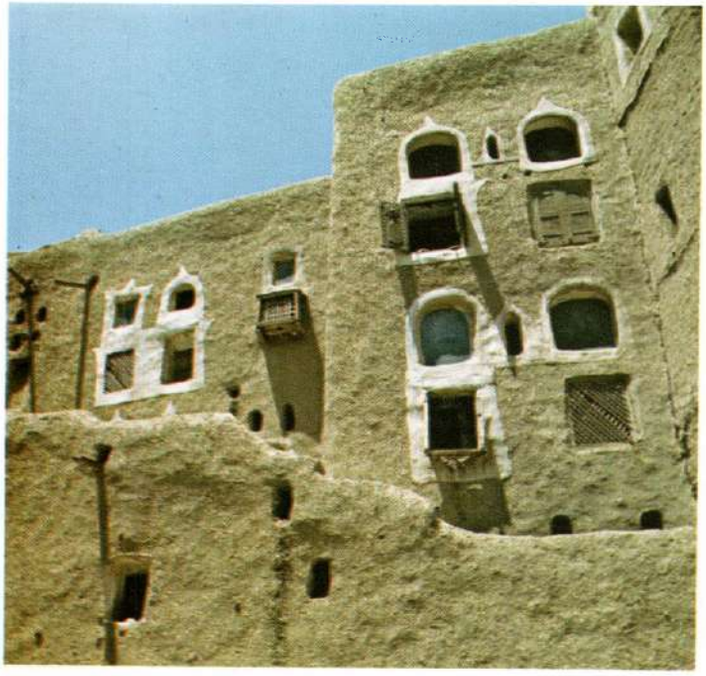


86 Typical upper window of coloured glass in a Ṣan'ā' house.



87 Another example of a coloured glass window in Ṣan'ā' with 'Allāh' in the plaster tracery.

88 A semi-circular *dīwān* inside a *nōbah*.

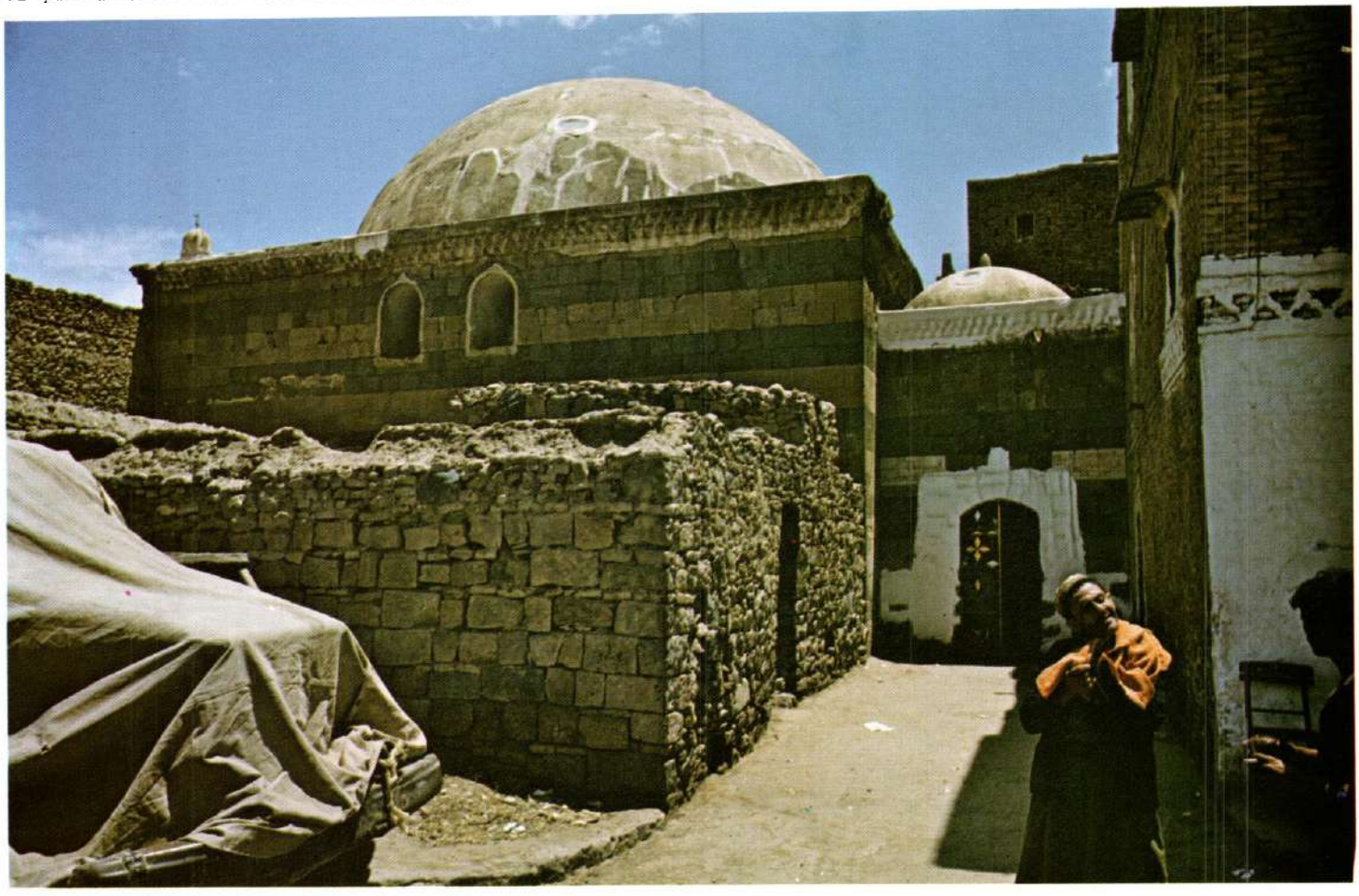


89 Houses in the Jewish quarter at al-Qāʿ.

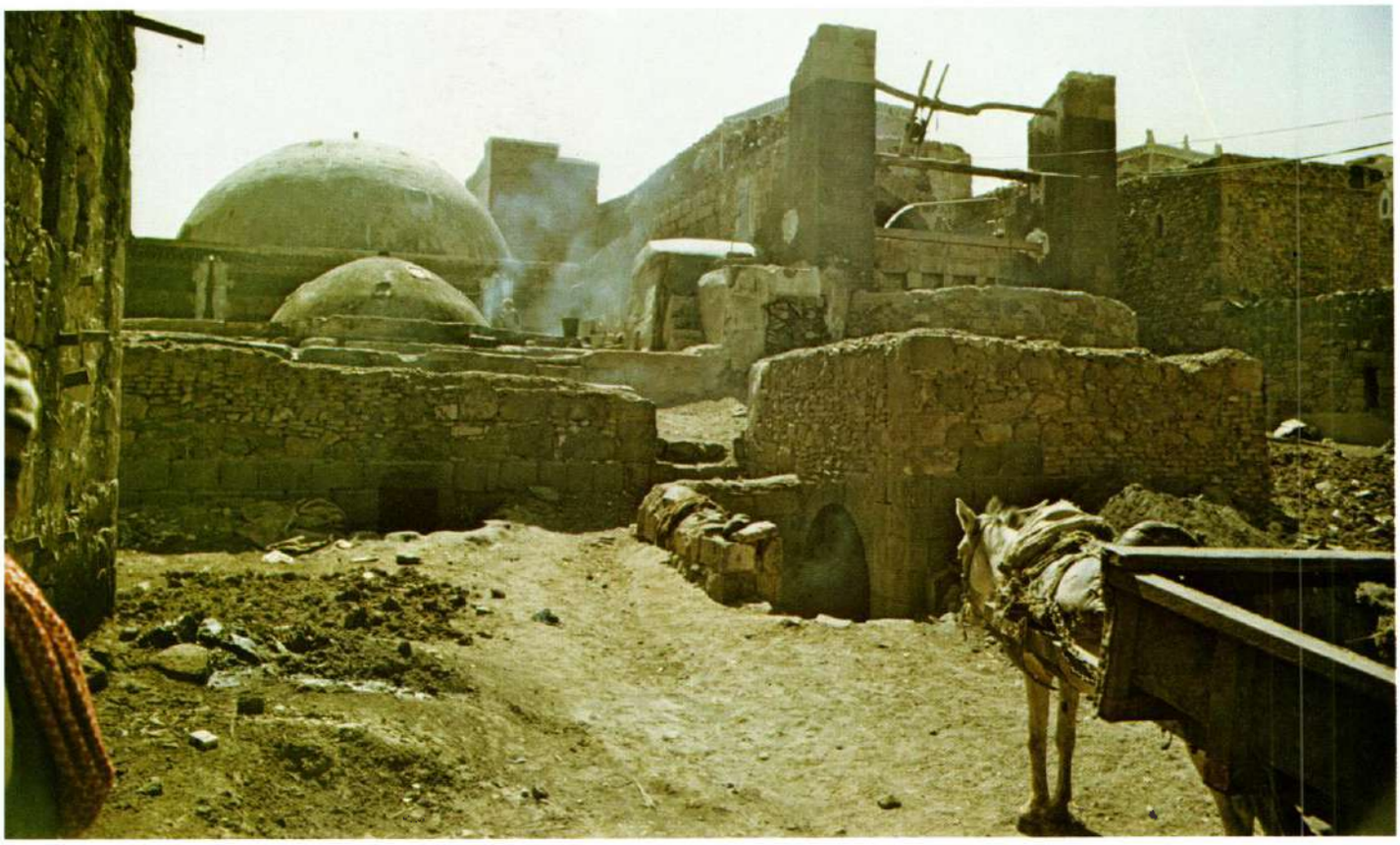
90 Ḥammām Shukr (*centre right*). Scene from the entrance outside.

91 Ḥammām Saba' (*bottom right*). The domes on the roof.

92 Ḥammām Shukr. The interior of the hot room in use.



93 Ḥammām al-Maydān. View of the baths from the Maydān.



94 Ḥammām al-Maydān (*top*). A view of the building from the rear showing the yard into which fuel is delivered by donkey-drawn garry and, behind, the well from which water is drawn.

95 Ḥammām Saba' (*bottom*). The interior of the changing room.

96 Ḥammām al-Sulṭān. The cold pool room with the central fountain throwing a thin jet high in the air; warm shafts of sunlight filter through small lights in the dome above.

97 A man of the Sayyid or Qādī class wearing an *'imāmah mula'waqah* and over his white *qamīs* a fine wool *shāl*. He is carrying a bunch of horse-radish (*qushmī*) from the market.

98 A girl wearing a *sitārah ghanamī* over her *lithmah* veil without a *maghmūq* face-panel.

99 A woman of the *Khādim* class, wearing a frock of lower Yemeni type, who with two companions entertained the public with songs accompanied by a tambourine. (Photo: D. Hoppe.)

100 *'Uṣbah* headdress, comprising the *makhnaqah* cloth wound under the chin and over the head, through which pins (*marātiq*) are pierced, the *qashīṭah mutartar*, of silk worked with sequins, the *tazjah*, silver embroidered band behind it, and the *maqramah* shawl. *Al-mashāqir* is the name for the lower bunch of *shadhāb*, rue, and the upper bunch of *rayḥān*, sweet basil. The necklaces include *kirab*, amber, and an *'aqd mirjān*, coral and silver beads. (Photo: M. Mundy, 1975.)

101 Led by a Mamlūk Turk, prisoners in the Qasr break out of jail to join naqīb Qaṭrān, an adherent of Mutahhar, but are slain by Ottoman horsemen outside San'ā' walls during the first Ottoman Occupation. (Courtesy of Kemal Çiğ, Topkapi Sarayı Müzesi.)

muftī was posed the question about an adult who had left off performing the five prayers, drinks wine and has one of the Jews residing in his house to make wine. When he is put in charge of the giving of judgement (*al-qaḍā'*) in a certain town (*balad min al-mudun*) he gives judgement there while in this condition. Is his judgement valid, and if this statement (*kalām*) be established before the Effendi of the town (*balad*) whose deputy (*nā'ib*) he is, and he deposes him for lack of religion (*diyānah*) is he recompensed on that account? The question uncovers a very lax attitude on the part of the Ottoman authorities, though it be couched in carefully anonymous language so that we do not know to whom the questioner was referring. The Zaydī Imāms in respect of the prohibition of wine to Muslims, were certainly far stricter than the Ottomans of either occupation.

To return however, to the accident that again raised the question of expelling the Jews, Zabārah[105] tells how Ibn al-Amīr came to take the initiative against them.

> He (Ibn al-Amīr) set himself with great zeal to put into practice the testament (*waṣiyyah*) of the Apostle of God commanding the expulsion of the Jews from the Arabian Peninsula, and compelling them to wear demeaning clothing (*athwāb al-dhillah*), because of their openly behaving in a manner contrary to that through the neglect (those in authority ?) of taking (measures to) humiliate[106] them as indicated by inductive proofs.
>
> It chanced that an incident took place on account of which al-Badr urged the Imām to expel the Jews. The long and short of this was that a drunken man sprang on a boy in one of the ablution places (*maṭāhīr*) of a certain mosque intending to commit an assault (*fāḥishah*) upon him, but his cry for help was answered (*ughītha*) and he got away from him. The matter was brought before al-Mutawakkil who was angered and sent for Sālim al-'Irāqī,[107] the chief (*kabīr*) and shaykh of the Jews, to whom he said, 'We have already prohibited the Jews from selling wine to Muslims, and yet *you* permit them to sell it.' To this the Jew replied, 'The Sayyid Muḥammad al-Amīr and the Sayyid al-Ḥasan b. Isḥāq[108] gave us a *fatwā* permitting the sale of it to them.' It appearing that one of those jealous (*ḥussād*) of al-Badr had instructed him to make this answer.
>
> When (al-Badr b. al-Amīr) heard of the Jew's retort he went to al-Mutawakkil and said, 'I hear the Jew said to you that I issued a *fatwā* permitting the sale of wine to Muslims. This is a lie against me, so make him attend at once so that you may learn of the fact he is lying (*ḥaqīqat kadhbi-hi*) and learn what the Jews have done contrary to abasement and humiliation (*al-ṣaghār wa-'l-dhillah*),[109] making many synagogues (*kanīsah*) with buildings, jostling Muslims in the streets, etc.' So the Khalīfah (Imām) did summon him, asking him, 'How many synagogues are there in your village (*qaryah*)?' The Jew began to count them by their names while al-Mutawakkil wrote down the names. Then al-Badr said, 'Do you see how much they have built?' Whereat the Jew made a profusion of excuses and attempted to prevaricate. Then al-Badr said to the Jew, 'You said I issued a *fatwā* to you permitting the sale of wine, but when was it that you met me and I issued a *fatwā* to you or wrote one for you in my own handwriting?' At this he faltered, then he said, 'Our scholar said to us.'[110] His lying was evident to al-Mutawakkil and he ordered him to the prison. Al-Badr added, 'He should be fettered also.'

The Attempt to Expel the Jews or Demolish the Synagogues

> Then al-Badr al-Amīr (*sic*) advised al-Mutawakkil that it was his duty to expel the Jews from the Arabian Peninsula (of which the Yemen is a part) as the Prophet had commenced in his last testament (*awṣā*), and, if he did not completely accomplish their expulsion, at least humiliation (*ṣaghār*) should be imposed upon them along with the destruction of those synagogues for which permission had not been given, that they had added. Thereupon al-Mutawakkil ordered the synagogues to be destroyed. Al-Badr then said, 'This Jew spends money profusely on his helpers[111] and each one will come back to you again over his case.' Then he left, and when he was part of his way al-Mutawakkil sent him the first letter (*maktūb*) that had reached him. Al-Mutawakkil also ordered that the Jew should not be fettered, this taking place on the Friday. Now after the Friday prayer al-Badr heard that al-Mutawakkil had commanded the destruction of the synagogues to stop, those ordered to do this having already started, so he entered al-Mutawakkil's presence, and (the latter) said to him, 'I was about to send Sayyid Aḥmad b. 'Abd al-Raḥmān al-Shāmī[112] to you because (my) boy, Yūsuf b. al-Mutawakkil came to me to the *miḥrāb* in the Jāmi' Mosque, and said, "It is not lawful to destroy the synagogues since the Imāms have previously confirmed them [in the right to] have them." Al-Badr replied, 'Summon him to your Court (Maqām) to debate (the question).' Al-Mutawakkil was delighted at this and sent to him, and when he entered his presence, said to him, 'This Sayyid Muḥammad is the one who guided (*al-murshid*) (us) to destroy the synagogues.' The Lord Yūsuf b. al-Mutawakkil said, addressing al-Badr, 'How is it that this comes from you?' Al-Badr replied, 'As for the destruction of the synagogues that is a simple matter. I request of the Imām only that he put the (last) testament (*waṣiyyah*) of the Apostle of God, to expel the Jews from the Arabian Peninsula, into execution.' 'And where is this Tradition (*Ḥadīth*)?' asked Yūsuf. 'It is in the books of Tradition and others, including the *Sharḥ al-Athmār*,'[113] al-Badr replied. So al-Mutawakkil ordered Sayyid 'Alī[114] b. 'Abd al-Raḥmān al-Shāmī to produce the *Sharḥ al-Athmār*. He brought it and opened at the Tradition, and the Lord Yūsuf said, 'Sayyid Muḥammad is a man of eloquence, and I cannot stand up to the eloquent.'[115] But al-Mutawakkil said, 'Why then did you come to the *miḥrāb*?' And the sitting came to an end inconclusively.
>
> The very learned Sayyid 'Abdullāh b. 'Alī al-Wazīr[116] then composed a treatise in which he came down on the side of (*yurajjiḥ*)[117] confirming the remaining of the Jews in the Yemen, adducing weak proofs (in support of his view), and sent it to the Qāḍī Yaḥyā b. Ḥasan Saylān[118] to deliver to al-Mutawakkil. The messenger passed with it on his way to the

105 *Nashr al-'arf*, II, 513-4.
106 Cf. *Qur'ān*, IX, 30, *Ḥattā yu'ṭu 'l-jizyata 'an yad-in wa-hum ṣāghirūna*. This is rendered by M. I. Kister, *Arabica*, Leiden, 1964, IX, 111, 'Out of ability and sufficient income they (nevertheless) being inferior.'
107 Brauer,op. cit., 40, 80,discusses the 'Irāqī family, and a man of this name, probably a descendant of the Sālim contemporary with Ibn al-Amīr.
108 *Nashr al-'arf*, I, 429, a famous scholar, a pupil and associate of al-Badr Ibn al-Amīr.
109 Cf. n. 106.
110 Incomplete sentence.
111 He must mean Muslims who, for ethical reasons or on account of interests in the Jews, supported the case.
112 Cf. *Nashr al-'arf*, I, 148. His uncle was at one time in charge of the *awqāf* of Ṣan'ā', then his father took over this office from him. He himself was in charge of the judiciary (*qaḍā'*) of Ṣan'ā', then of all districts (*buldān*), and much consulted by al-Mutawakkil (ibid, 153).
113 i.e. *Sharḥ al-Athmār wa-'l-Azhār* of al-Mutawakkil . . . Yaḥyā b. Shams al-Dīn al-Murtaḍā (ob. 965/1557), Brockelmann, *Gal.*, II, 405, *Sup.*, II, 557.
114 The name 'Alī looks like a slip for Aḥmad. No 'Alī al-Shāmī figures in *Nashr al-'arf* biographies.
115 Ar., *Wa-anā 'ala 'l-minṭiq lā uṭiq*.
116 Cf. *Nashr al-'arf*, II, 113 seq., the very eminent scholar, author of *Ṭabaq al-ḥalwā*, the *Mufākharah* of al-Rawḍah and Bīr al-'Azab, etc. Ibid, 115, remarks that the Wazīr family had a library (*khizānat kutub*) in al-Jāmi' al-Kabīr known as Khizānat Kutub Banī 'l-Wazīr.
117 Cf. *Qānūn Ṣan'ā'*, n. 23.
118 Cf. *Nashr al-'arf*, II, 849.

Lord (al-Mawlā) the very learned al-Ḥasan b. Isḥāq who informed al-Badr about it. So al-Badr ordered a man whose handwriting resembled that of the treatise to write down what he dictated to him to invalidate it, and he wrote the refutation (*radd*) on the margin of it following each disquisition (*mabḥath*),[119] making a sound refutation at the end of the disquisition (*baḥth*), making it seem as if it were part of the original. Then he gave it back to the messenger asking him to keep it secret. When the Qāḍī Yaḥyā Saylān delivered it to al-Mutawakkil he ordered him to read it. Then al-Mutawakkil said, 'Read what is on the margin of it.' And there it was—contradicting the original (text), so al-Mutawakkil asked, 'How is it that one part of this contradicts the rest?' 'I do not know,' replied (Saylān).

Al-Badr apparently did not cease to inveigh against the abuse of the law by the Jews, as he saw it, for in the protest he made in 1146/1733-34 from Shahārah, backed by a number of ulema, to Imām al-Manṣūr, he includes, at the end of a long list of malpractices, the attempting of the Jews to act in a way to which they have no right (*taṭāwul al-Yahūd*).

The question of whether to expel the Jews came up again during the first decade of the reign of al-Mahdī 'Abbās (1161-89/1748-75) when, as Zabārah[120] says, ''Abdullāh Luṭf Allāh al-Kibsī entered into expelling the Jews and Bāniyāns from the Arabian Peninsula along with al-Mahdī 'Abbās, and he formulated a question to which al-Badr Muḥammad b. Ismā'īl al-Amīr, the Lord Aḥmad b. 'Abd al-Raḥmān al-Shāmī and others responded. Al-Mahdī imprisoned a body of their Mashāyikh, and wished to send away those of them in the country and put into practice the testament of the Apostle of God, but this was not accomplished.' A short treatise, entitled *Fatḥ al-ma'būd fī dhikr ijlā' al-Yahūd*, by the learned Ṣalāḥ al-Dīn Ṣāliḥ b. Dāwūd al-Ānisī has been brought to my attention by Sayyid 'Abdullāh al-Ḥabshī, composed as 'a reply to those who opposed al-Imām al-Mahdī in the expulsion of the Jews from their places.' It commences with a lengthy citation of Traditions in support of the Imām's right to expel the Jews, but it is followed by a sort of appendix attacking the use of tobacco and *qāt*—which may indicate that the Imām's attitude to the question of the Jews was a part of his general islamisation policy.

Al-Ānisī says, 'When he (the Imām) ordered the Jews who acted contrary to the covenants (*'uhūd*) taken from them to be expelled from the towns and countryside (*bawādī*) of the Yemen, near and far, many of the intelligent (*ūlu 'l-baṣā'ir*) and great Sayyids re-iterated this.' 'The Imāms of the House (Ahl al-Bayt) in the Yemen had confirmed the people of the Dhimmah (Jews) in their *dhimmah* (covenant of security) and accepted the poll-tax from them, those of latter days following (their) forbears up till this time of ours.' This was because they had no power to make the precepts of the Prophet followed. 'Nor were the Imāms able to carry out the rules (*aḥkām*) of the *sharī'ah* except in a few places in the province of the Yemen, as they were distracted with combatting the lions of disorder (*fasād*). So when al-Mawlā (i.e. the Imām) wished to expel them from the province of the Yemen he was not responsible for protecting and guarding them on the roads except in the places under his foot where his commands and prohibitions are executed so they may pass from the (Yemenite) provinces.'

According to Qōraḥ,[121] the son of al-Mahdī 'Abbās, the Imām al-Manṣūr 'Alī (1189-1224/1775-1809), agreed to allow the Jews to rebuild the synagogues. In 1793 the Kanīsat Ha-Hekdesh was rebuilt and also Kanīsat Bayt Ṣāliḥ, the latter seeming to figure among the synagogues extant in the 14th/20th century.[122]

19th Century Messianic Movements

In the 19th century when anarchy had brought conditions to their lowest ebb and Aḥmad al-Ḥaymī was the Shaykh of Ṣan'ā', a Messianic movement was initiated by a certain Yahuda b. Shalom/Sālim[123] known as Shukr(ī) Kuḥayl, a Ṣan'ānī potter who made clay vessels for waterpipes. A Cabbalistic scholar who appeared in 1861, he took to wandering and preaching. He settled in al-Ṭiyāl of Banī Jabr. The Imām (probably al-Mutawakkil al-Muḥsin b. Aḥmad) put a price on his head, obviously regarding his actions as an incitement to disorder, and he was eventually shot there about 1863. His head was taken to Ṣan'ā' where the Imām hung it for three days at the Gate of the Jewish Quarter. A follower of his appeared at Tan'im in 1868—whom Halévy[124] apparently met at Shirā' of Arḥab. Another pseudo-Messiah,[125] Yūsuf 'Abdullāh appeared as recently as 1893.

A contemporary Arabic version notes that on a Wednesday probably in Ṣafar 1282/June-July, 1865, 'a party from Banī Jabr arrived with the head of a Jew. It was one of the wonders of the age, for this Jew had arrived in a village (*maḥall*) of Banī Jabr and used to summon (*yad'ū*) the people to obey him, showing enchantments and magic (*al-tamwihāt wa-'l-asḥār*) and some of them thronged to him. Then the ulema made an assault on this stain on Islam and wrote to all those who had any honour/zeal (*ghīrah*) until God vanquished him and he was slain. His head arrived and the *'uqqāl* of the city sent it to Ḥusayn al-Hādī to Qarṭat al-Qābil. This was because with the Jew after he was killed letters were found from Ḥusayn al-Hādī and certain other irresponsibles (*sufahā'*), among which was that he was the Mashriqī king, urging him to Islam, may God combat them. So on account of this his head was sent to him. He imprisoned them and pretended not to care about him, but his heart inclined to him.' The supporters of this Jew were a party of the Banī Shaddād.

Protection and the Imām

The basis upon which a Jewish or Christian community could live in symbiosis within an Islamic state was early established.[126] The first Zaydī Imām, al-Hādī, was merely re-affirming what had long been already fixed when his biographer[127] says, 'He said to the Jews and the Christians, "If anyone molests you (*adhā-kum*) refer back to me (*irji'ū ilayya*) so that I can give you justice from him." ' This has been mandatory for the Imāms from that time, they for their part enjoying financial benefit from Dhimmī communities as will be discussed infra. Jewish sentiment seems loyal to the Imāms in consequence of their protection. Incidents like that during the first Ottoman Occupation when 'Jews who were armed with slings fought for the Imām,' and during the famine of 1028/1619 when Jews were allowed to share in the charity of the Imām at Shahārah,[128] are indicative of this.

Among modern writers reporting on the system of protection, Nazīh[129] describes hearing a boy at Manākhah call a Jew an evil person and wine drinker (*khabīth wa-shārib al-khamr*). This angered the Jew who retorted, 'Come with me, and let's go to the *'āmil* so that I can complain to him of you, and this stranger will be witness against you.' Nazīh comments that the boy did not

119 *Mabḥath*, literally, probably meaning—the place of each enquiry. Dozy, *Supplément, preuve.*
120 *Nashr al-'arf*, II, 144.
121 *Sa'arat Teman*, 22-3.
122 Brauer, op. cit., 306-7. Knīs bēt Mori Yiḥyā Ṣāliḥ.
123 In an idealised account in *From the land of Sheba*, 111, he is called Mōrī Yehudo. The Arabic version is from *Ṣafaḥāt majhūlah min tārīkh al-Yaman*, ed. Ḥusayn al-Sayāghī, Beirut, 1978, 95.
124 Joseph Halévy in *Journal asiatique*, 1872, VI, 12, and *Bulletin de la Société de Géographie*, Paris, 1873, 257.
125 For pseudo-Messiahs see Rabbi A. Qōraḥ, *Sa'arat Teman*, with notes by S. Gridi, Jerusalem, 1954, 181; M. Zadok, op. cit., 89-94.
126 Barer, op. cit., 117, presumably quoting from *From the land of Sheba*, 97 seq., refers to a letter of protection which 'Alī b. Abī Ṭālib is supposed to have written for the Jews at Muḥammad's command in the year 9 of the *hijrah*. It however does not seem to correspond with surviving early Islamic documents, though some particulars are common to both.
127 *Sīrah*, 62; cf. 388.
128 A. S. Tritton, *Rise of the Imams of Sanaa*, Oxford-Madras, 1925, 117.
129 *Riḥlah*, I, 60.

20.1 A Jewish family photographed in San'ā' before the emigration.

dare, because the special *qānūn* for the Jews is very strict. Any person using abusive language to a Jew would be imprisoned and fined a *dhabīḥah*, i.e. either a cow, camel or ewe which he would have to bring to be slaughtered and its flesh distributed to the poor. Mohammed Hassan[130] adds that if a Muslim attacks a Jew and the latters says, *'Anā fī 'iṣmat al-Imām,'* or *'Anā fī 'iṣmat al-'āmil*, I am under the protection of the Imām/Governor,' then both parties must go to the Imām's/'Āmil's castle. Bad consequences ensue for the Muslim who does not present himself at once, and soldiers are sent out in the customary way, to live off him.

Barer[131] himself, reporting on the Jews at Ḥāshid Camp in Aden Colony at the time of the 1949-50 exodus, says of the Ṣan'ā' emigrants, 'They had no complaint to make against the King of the Yemen. On the contrary they praised him as a wise and good ruler. "But in the Yemen, unfortunately," they add, "there is a sultan or shaykh at every ten paces." It seems that the King has some difficulty in controlling these tribal chiefs,[132] and each of them, as the Jews passed his territory on their way out, helped himself to some of their money and possessions.' Barer[133] adds that Jewish leaders at Aden agree that Imām Aḥmad is a good man. When he gave them permission to depart they said he stipulated that every Jew leaving the country must sell every bit of his property so as to avoid any basis of a claim to the Yemen in the future. An interesting touch is that the Jews sent a petition to the Imām asking permission to leave the Yemen and he granted this by annotating it with the words, *'lā mānī'*, no objection (*nihil obstat*)', in a corner!

In an interview with the Jewish Ḥākhām of Ṣan'ā', Nazīh[134] was told by him that neither the Turkish nor the Yemeni treatment of the Jews was good, but the Yemenis were better than the Turks,[135] and *Allāh yaḥfaẓ al-Imām*, God preserve the Imām, who defends us, gives us justice, prevents all aggressions, and sharply punishes anyone molesting us. On the other hand he[136] reports Jews as claiming that in Shāfi'ī areas, treatment of the Jews by the Shāfi'īs is bad, but one Jew added he had heard it was good (*nāhī*) in Zuyūd country, and of Turkish governors it was said that some had treated them well, others badly.

Of Bayt al-Baws close to Ṣan'ā' it is said that half of the villagers were Muslim, half Jewish, and their children used to play together. One day a Jewish child threw a stone[137] at a Muslim child which damaged his eye. The case came before Imām Yaḥyā under whose protection the Jews were in the general way described. The Muslims said that retaliation must be exacted, and the Imām quoted the principle that an eye should be exacted for an eye, but to his surprise they said that *al-Yahūdī Bawsī wa-'l-Bawsī Yahūdī*, by which they meant that the Jews were considered an integral part of the tribe, and rejected the idea. This seems to be the attitude broadly speaking, in the north outside the large towns.

On recent visits to the Yemen a Shāfi'ī said to me—the Jews we have with us still today (1974) we value (*nuqaddir-hum*) and when we were small children, if we struck them, our fathers would beat us. He added that the *fiṭrah* we Muslims pay is just like the *jizyah* the Jews pay. Not long ago too, another Muslim told me he had recently met a Yemeni Jew from al-Ḥaymat al-Dākhiliyyah by chance, and he noticed that the Jew wore weapons, a dagger, and his *zunnār* lock was tucked under his turban so that it did not look too conspicuous. An opinion voiced to me in Ṣan'ā' was that the Jews fared well in country tribal areas and friction was only found in the towns where the ulema were inclined to insist on the strict application of the regulations for the Ahl al-Dhimmah.

Jews were often protected by tribal chiefs and during the anarchic period of the 19th century with its multiplicity of Imāms the recent publication *Ṣafaḥāt majhūlah* shows that tribesmen sometimes protected them in Ṣan'ā' itself. In 1277/1861 about the time Imām Ḥusayn b. al-Hādī entered Ṣan'ā', his wazīr, Shaykh Muḥammad Abū Jābir, demanded entertainment (*ḍifah*) of two Jews who were protected persons (*ruba'ā* (?), sing. *rabī'*) of Shaykh Ṣāliḥ Dughaysh. This led to a squabble between the wazīr and Dughaysh, the upshot being that the dagger belt of the latter was 'imprisoned' (*ḥubis ḥizām Dughaysh*) along with (those of?) three of his fellow tribesmen of Banu 'l-Ḥārith sharing with him in the protection of the Jews. This of course put shame on

130 *Qalb al-Yaman*, Baghdad, 1947, 167.
131 *Magic carpet*, 100.
132 Goitein's excellent, 'Portrait of a weavers' village', *Jewish social studies*, New York, 1955, XVII, i, 9, states that the village studied, al-Jadis (al-Gades) in the Ibb *qaḍā*, inhabited almost exclusively by Jews, was a *hijrah* enclave, this being the result of a privilege granted by al-Imām al-Manṣūr in the mid-19th century. It is likely from what Goitein says that it was nevertheless under tribal chieftainly protection as well as the more general protection of the Imām. Much of the time the chief's protection of such a village *hijrah* would be more effective than that of the Imām. Cf. *From the land of Sheba*, 34. With regard to the chiefs mulcting the Jewish emigrants, let it be said that in the West Aden Protectorate tolls were taken by each ruler on Muslims passing through his territory, not only Jews, until these were abolished at the time of the Federation. I have little doubt though, that, at the emigration of whole communities, the opportunity for 'squeeze' was too attractive to miss.
133 Op. cit., 179.
134 *Riḥlah*, I, 41.
135 Barer tries to demonstrate that each Turkish occupation made conditions better for the Jews—this is certainly not borne out by all writers, and I find it difficult to credit Jacob, *Perfumes of Araby*, 229, when he says, 'The Turks treat the Jews with great deference.' That there are Jewish headmen of Jewish villages, which he seems to consider Turkish policy, has of course nothing to do with it, this being part of native Yemeni social structure. Jacob's verdict, loc. cit., 'The Jew is not liked by the Arabs but he is seldom maltreated', is fairly near the truth.
136 *Riḥlah*, 292-3.
137 Compare however the Jewish saying, *'Aw qad Yahūdī rajam Mislim*, Does a Jew throw a stone at a Muslim?' (*Jemenica*, 177, no. 1380).

Dughaysh. About this time in general the *naqībs* in charge of the city prison made many pretexts (*musabbabāt*) against the people, especially the Jews, for 'they treat them wrongfully'—no doubt to extract what they could from the Ṣan'ānīs. In this unsettled phase of Ṣan'ā''s history Imām Ḥusayn's control of the city seems to have been brief and when his supporters left it, the Ṣan'ānīs who took over stopped the delivery to anyone of the Jewish *jizyah* until they had the decision of the Shaykh al-Islām. Muḥsin Mu'īḍ, appointed governor of the city by the townsfolk, decided that the *jizyah* should be above the outgoings and obligations of the town (*fawq mukhrajāt al-madīnah wa-lawāzimi-hā*). I am not certain exactly what is meant. In a passage, also not very explicit, it is noted that in 1283/1867 'Abdullāh al-Ṣa'r (the Ṣa'r are a well known family of the 'Amrān district) arrived in Ṣan'ā' to help the Dhimmī, al-Manṣūrah, over a theft of gold stolen from him in Qā' al-Yahūd. They hastened to investigate the theft and to cut off the heads of the thieves. The anonymous writer complains that other robbers have been let go free and have even been honoured and respected.

The Poll-tax (jizyah)

A peace (*ṣulḥ*),[138] i.e., a treaty with the Jews and Christians of Najrān was made in 284/897, of which al-Hādī, the first Zaydī Imām of the Yemen, is reported to have said, 'I hope the *ṣulḥ* will be a *sunnah* after me.'[139] That is to say he hoped it would be an established legal precedent and practice in Zaydī Yemen. An important economic issue enters into the formulation of the treaty. The wealthier of the Najrān Dhimmīs had purchased much (landed) property after Islam. Whereas the Muslims had to pay the *zakāt*, i.e. the tithes (*a'shār*) on crops while the Dhimmīs were free of them, this had diminished the revenues paid into the Treasury. Al-Hādī first proposed that the Dhimmīs be obliged to sell their land to Muslims, but as there was a vigorous protest against such a measure, the Dhimmīs expressed their readiness to pay the ordinary tithe. Al-Hādī had, in law, to reject this since it looked as if Dhimmīs were paying the Muslim *zakāt*, but he solved the problem by charging them a ninth (*tus'*)[140] and permitting them not only to keep the land they had purchased since Islam, but even to buy more if they wished.

The poll-tax (*jizyah*) to be paid by the Dhimmīs was 'on the heads of their free men, apart from their women, slaves, and boys (*'alā ru'ūs rijāli-him al-aḥrār*[141] *dūna nisā'i-him wa-mamālīki-him wa-ṣubyāni-him*). Their 'kings (*mulūk*) paid forty-eight *dirham-qaflahs*,[142] the middle group (*awsāṭ*) twenty-four *dirham-qaflahs*, and those earning a bare living (*muta'ayyishah*) twelve only.'[143] Al-Hādī insists that this gives them protection for their persons and property, binding on Muslims who may not take anything from them, nor prevent them purchasing anything.[144]

Al-Hādī's biographer states that 'the poll-tax of the Christians and Jews belongs to him and the people of his House, and he has the right to expend it on whatever he wishes and to divert it to whatsoever he wills, but he used not to eat nor drink from it.'[145] Indeed al-Hādī claimed, 'I never ate anything or drank water from what I taxed (*jabaytu*) from the Yemen.'

The Zaydī Imāms in point of fact received the *jizyah* as their private income, but the *zakāt* of course goes to the Muslim Treasury. So, apart from the motive of enforcing the *sharī'ah* relating to the Dhimmīs, the Imāms had a direct financial interest in protecting Jewish communities, further strengthened by presents offered the Imāms by the Jews on certain occasions. This is not dissimilar to conditions in 12th and 13th century England of the Normans, when the Jews acted as financial agents for the Crown, especially under the first Plantagenet ruler.[146]

In the acute controversy over taxation and other issues in the days of al-Mutawakkil Ismā'īl (third quarter of the 11th/17th century), the Imām's critics asserted that, 'The revenue (*kharāj*) of the Yemen from the poll-taxes (*al-jizā*) is 70,000 (*qirsh*) (going to) one single person (*li-khāṣṣat nafar*), while half the Aden revenue, over a *lakk*,[147] goes to another.' The Imām retorted that this is gross ignorance, and even the poll-tax of the far greater number of Dhimmīs in the rest of the Yemen would not come up to the last-named sum. 'As for Aden during this (present) period it is unknown ever to have exceeded 12,000 (*qirsh*), most of its income (*maḥṣūl*) going on the garrison (*rutbah*) and assistants there. What remains there is spent on its costs (*maṣārif*).'[148]

While in theory the Imāms could not use the *zakāt* for their private purposes, and no doubt many Imāms, perhaps including the late Imām Aḥmad Ḥamīd al-Dīn, attempted to keep to the strict letter of the law, a humorous tale[149] of al-Mahdī Muḥammad b. Aḥmad, known as Ṣāḥib al-Mawāhib (1098-1130/1687-1718), if not apocryphal, reveals that at least one Imām was not so scrupulous. When informed by the Treasurer (Khāzin Bayt al-Māl) that he had set aside the poll-tax money (*amwāl al-jizyah*) of which the Imām has the right to 'eat' in a special place by itself, apart from the *zakāt* money, the Imām told him, 'Mix them up, Qāḍī, the whole lot belongs to me anyway (*Ukhluṭ, yā faqīh, kull-ih ḥaqqa-nā*)!'

The case of Sayyid Yaḥyā b. al-Ḥusayn al-Qāsim (1035-1100/1625-1689) is indicative of how the Imām might dispose of the poll-tax revenue. Although this Sayyid did not pay al-Mutawakkil Ismā'īl allegiance (*bay'ah*) the Imām confirmed him in his allowances (*jirāyāt*), probably of grain etc. 'He had the poll-tax of the Jews in the district (*bilād*) of Ṣan'ā' entirely, and he was able to live upon this until God took him unto Himself.'[150]

Of the Jews of al-Jadas under the Imāms, Goitein[151] tells us they 'were freed from the normal duties of citizens.' 'Nor did they pay a sort of income-tax for business which had been levied on Muslims.' Jews paid no tithe on their fields and were exempt from military service and corvée. He adds, however, that the Turks decreed the Jews should pay tithes on crops. As Nazīh[152] puts the matter—the Jews, in answer to his query in many parts of the Yemen, if they were pleased with their treatment by the Muslims, replied in the affirmative, adding that they enjoy rights (*ḥuqūq*) not enjoyed by the Muslims—they pay no taxes (*ḍarā'ib*), tithes (*a'shār*), *fitrah*, or dues (*rusūm*), but only the *jizyah* which is

138 *Sīrat al-Hādī ila 'l-Haqq*, Beirut, 1972, 76, 78, 79, 100.

139 Ibid, 73. Cf. the text in C. van Arendonk, *Les débuts de l'imāmat Zaidite au Yémen*, trans., J. Ryckmans, Leyde, 1960, 322 seq., passim. *Ṣulḥ* often simply means an agreement or treaty, the concept being tribal, that tribes are normally at war and a *ṣulḥ* terminates this state.

140 On land irrigated by lifting water only half a ninth was taken (*Sīrah*, 76).

141 This is the same term used in pre-Islamic Najrān for tribesmen (cf. Irfan Shahid, *The martyrs of Najrān; new documents*, Société des Bollandistes, Subsidia hagiographica, no. 49, 59, passim). 'Free men' and 'kings' convey a picture of semi-independent communities in Najrān, and possibly the Mashriq as a whole. Al-Hādī's careful treatment of both Jews and Christians also is a pointer in this direction.

142 A *qaflah* would be about a tenth of an ounce of silver.

143 Aḥmad b. al-Murtaḍā, *al-Baḥr al-zakhkhār*, Cairo, 1949, II, 221, repeats this figure, but for *muta'ayyishah* he uses *faqīr*, poor. Cf. his *Kitāb al-Azhār*, Beirut, 1973, 74, seq.

144 Conditions before the *ṣulḥ* appear to be reflected in *Sīrah*, 47, where Sulaymān al-Kūfī reports that the Imām ordered him to take the *zakāt* of the properties of the merchants, taking the oath from them. He also commanded him to take the poll-tax of the Jews and Christians—from those in easy circumstances—the merchants, twenty-four dirhams, from those possessing only five dinars, nothing, from the middle group (*awsāṭ*) twelve dirhams. Those Jews and Muslims owning lands (*ḍiyā'*) inherited from their ancestors in ancient time, not purchased from Muslims, pay nothing. Those who have bought lands from the Muslims must sell them to Muslims, unless they had some previous *ṣulḥ* regarding them.

145 *Sīrah*, 58. *Al-Baḥr al-zakhkhār*, II, 184, states that the *zakāt* is not lawful to the Imām, like the Apostle, . . . nor to the Hāshimites (*wa-lā ta'ḥill li-'l-Imām ka-'l-Rasūl . . . wa-lā li-'l-Hāshimiyyīn*), but the whole of this question is discussed at length.

146 C. Roth, *History of the Jews of England*, Oxford, 1941, 14.

147 The *lakk* must be 100,000 here (Hobson-Jobson).

148 *Al-Sīrat al-Mutawakkiliyyah*, 489.

149 Qāḍī Ismā'īl, *al-Amthāl al-Yamāniyah*, I, 51, no. 149. *Ḥaqqa-nā* could also mean 'is my right.'

150 *Nashr al-'arf*, II, 855. By *bilād*, Ṣan'ā' itself might be intended.

151 'Portrait of a Yemenite weavers' village', 15.

152 *Riḥlah*, I, 60.

light compared with what a Muslim has to pay.

This is a far cry from such assertions as, 'Jews, though paying proportionately more taxes than anyone else, had none of the few political and civil rights the Imām allowed his other subjects.'[153]

Sumptuary Laws

In the first Islamic centuries certain sumptuary laws were evolved as a curb on Jewish and Christian communities subject to the Islamic state and to stand as a visible reminder of their political inferiority to the dominant Muslim group. There are indications that, in ancient Arabia, in the matter of costume, there may have been social distinctions observed between classes, whether merely as a habit or imposed from above, these going back even as far as pre-Islamic times. It is not relevant here to examine this issue, but the legendary belief of Ḥaḍramīs is that the 'Abbāsid governor Ma'n b. Zā'idah punished the Ḥaḍramīs by requiring their womenfolk to wear frocks only about knee-length in front. The qualification of this belief as legendary is advisedly introduced, because, to a visitor, it seems plain that women's frocks are short in front because they have to do so much work in the fields that anything longer would impede their movement. Both in the Yemen and Ḥaḍramawt in the centuries nearer our own time, class structure was reflected in distinctive dress; a story illustrative of this is related in the chapter on costume.[154] The wearing of costume appropriate to one's social class does not appear, insofar as one can see from the literature, to have been the subject of regulation in the Muslim community. It is to be surmised that a man would be restricted by conventional custom to a certain form of dress and/or by written or verbal agreements concluded among the headmen of a community. Such are the indications—provisional until the subject can be researched.

It is in relation to the likelihood that such distinctions in early times were observed in the Muslim community, as they indeed are in South Arabian society, even to some extent today, that one should regard the sumptuary laws applied to the Ahl al-Dhimmah. For Dhimmīs the laws were perhaps not more than mildly irksome unless the occasional fanatic were involved.[155] The very re-enforcing of these laws, recurring from time to time in the histories, shows how they tended to fall into desuetude. The sumptuary laws imposed on the Dhimmīs in the third Islamic century may be consulted in the *ḥisbah* manual of Uṭrūsh,[156] the celebrated Zaydī Imām of Persian Ṭabaristān. As to how the law was applied to the Jewish communities of the Yemen during the first half of the 9th/15th century, let the author of *Kitāb al-Azhār*[157] speak.

'They are obliged to (adopt) a dress/appearance (*ziyy*) by which they are distinguishable, wherein lies humiliation (*ṣaghār*),[158] consisting of side-locks (*zunnār*), wearing a badge (*ghiyār*) and cutting of the middle of the forelock (*nāṣiyah*). They are not to ride on ass-saddles (*'ala 'l-ukuf*) but broad-wise/sideways. They will not openly perform their religious rites (*shi'ār*) except in their synagogues (*kanā'is*). They will not make a new synagogue (*bī'ah*),[159] but they can renovate what has fallen into ruin. They are not to dwell anywhere but in their quarters,[160] except by permission of the Muslims, for some weal (*maṣlaḥah*) . . . They are not to ride horses or raise their houses over those of the Muslims. They will sell a Muslim slave they have bought or owned in any way.'

Al-Murtaḍā, in another work,[161] describes the restrictions on Dhimmīs, some of which do not seem to apply to the Yemen and may be theoretical rather than practice. The saddles they use are to be of wood with thongs of palm-fibre. They are not permitted to take the chief places at assemblies (*ṣudūr al-majālis*), nor to extend the height of their buildings till they are level with those of the Muslims, nor to ornament them, nor to decorate (*taḥsīn*) their doors, nor to drink wine openly, or sell it. They must not wind their turbans more than three folds (*ṭāqāt*) and let the ends hang loose, nor may they let their hair hang down. They may not wear silver and gold seal-rings (*khawātim*), or have bezels unless it be what has no ornament in it like glass.

Jews are not to be prevented from sailing on the Hijaz Sea and passing by it in ships, but they are not allowed to stay on the Hijaz coast. If the Imām makes a guarantee/pact for *kitābīs* (here Jews) their numbers, description and names are to be recorded in his Dīwān and a Muslim *naqīb* is to be placed over them to report on those who have died and those living.

Al-Shahārī,[162] one of the '*shabāb*' of today, remarks that they were not allowed to bear arms, but this is true *de facto* of large numbers of the Yemeni Muslim community. Only rarely, he says, were they allowed to possess land—which would be cultivated by Yemeni Arabs. They had to live in a specially isolated quarter and might only build two storeys high. Al-Shahārī's assertions are partial in tone, and generalisations. Barer maintained that the Islamic sumptuary laws were not enforced during the Second Ottoman Occupation, and this could be correct, but Imām Yaḥyā, his good relations with the Ṣan'ā' Jews notwithstanding, is likely to have been much stricter.

A point upon which all writers seem agreed is that, when passing by a Muslim, a Jew had to dismount from his beast and ask permission of him to re-mount with the words, *''Alā ra'ya-k, yā Sīdī.'* Nazīh[163] merely says that when they meet a Sayyid they have to dismount out of respect for him, adding that they may not ride on camels or horses.

The regulation that a Jewish house must not overlook a Muslim house is re-iterated in the histories from time to time, but the Imām al-Mahdī Aḥmad b. al-Ḥasan issued a ruling in the form of a document[164] permitting the Jews of Bīr al-'Azab to build more than one storey because their houses did not overlook any Muslim house. Only a few years later, in the last decade of the 11th/17th century the Imām al-Mu'ayyad wrote to the Qāḍī Ḥusayn Dha'fān who was in charge of the judiciary (*qaḍā'*) of Dhamār, instructing him that a Sayyid was coming to take certain actions, including 'to expel the Jews from the houses raised above the houses of the Muslims, even if they be their own property. As for those houses mixed with Muslim houses without being raised above (them), if they are property of theirs (the Jews) they (may) remain in them, but if they rent (them) they are to be ejected and segregated to a side removed from the Muslims.'[165]

The Jewish Quarter of Ṣan'ā', called Qā' al-Yahūd after the large open square on the city's western flank, but also known, at one

153 *Magic carpet*, 134.

154 Cf. p. 529 seq.

155 A case in point is that of a Ṣūfī, Sufyān . . . al-Abyanī (ob. 750/1349-50) killed the Jew whom the Sultan had made governor (*wallā-hu*)—in whose service the Muslims used to walk under his stirrup, wherever he was. Sufyān tried to force this Jew to utter the Muslim profession of faith and, when he refused, he murdered him. The Amīr and his soldiers were unable, for supernatural reasons, to reach Sufyān in the Jāmi' where he had taken refuge—this being one of his *karāmāt*. Sufyān succeeded in escaping punishment by the law which he had flouted. (Al-Sharjī, *Ṭabaqāt*, Cairo, 1883, 56; al-Yāfi'ī, *Mir'āt al-janān*, Hyderabad, 1337-9 H., IV, 349.

156 'A Zaidī manual of *ḥisbah* of the 3rd Century', *Rivista degli studi orientali*, Roma, 1953, XXVIII, i-iv, 29.

157 Aḥmad b. Yaḥyā al-Murtaḍā, *K. al-Azhār*, Beirut, 1973, 322. Brauer, op. cit., 269, gives on the authority of Jawneli, a much longer list, but anything beyond what is listed by *al-Azhār*, is mainly a matter of decorous behaviour.

158 For comment on this term cf. p. 417a.

159 *Kanīsah* and *bī'ah* might equally well mean church, and of course these regulations mostly all apply to Christians also.

160 *Khiṭṭah, arrondissement* as rendered by Dozy. The editor glosses this as meaning the places where they were dwelling when the *'aqd al-dhimmah*, contract of protection took place. The Yemenite Jews in the Islamic period did not invariably live in segregated villages or quarters.

161 *Al-Baḥr al-zakhkhār*, V, 461.

162 *Ṭarīq al-thawrat al-Yamaniyyah*, Cairo, 1966(?), 78. As seen above Jews in al-Hādī's time were specifically permitted to own land.

163 *Riḥlah*, I, 58.

164 Infra, p. 430b.

165 *Nashr al-'arf*, I, 570.

time as Qā' al-Sam',[166] contains houses where the Jews dug down into the ground to make a cellar and so give the house three storeys. Despite what al-Shahārī says, however, it seems that some Jewish houses in the Yemen did have three or more storeys and in old Ṣan'ā' itself where some Arab owners of mansions say these once belonged to Jews it would be interesting to discover if the restriction to two storeys applied to them. At Jabal 'Amr, a short ride from Mabyan, I was shown in 1966 the Jewish houses overlooked by Muslim houses on the ridge, and in Ḥabbān the Jewish Quarter was directly overlooked by Arab houses. Mohamed Hassan[167] states that the Jew's house must be of adobe, or one storey of stone and the next of adobe. It would be interesting to see how strictly this was observed in Bīr al-'Azab.

Today some of the historic and architecturally interesting Jewish houses looking onto the Qā' have been demolished, including that alleged to have been the property of Ḥabshūsh.

The Gates of the Qā' al-Yahūd were shut from 8 p.m. to 5 a.m.[168] When Imām Aḥmad's victorious tribes entered Ṣan'ā' the Qā' was sacked, not for the first time in its history, suffering the fate of Muslim Ṣan'ā'. After the departure of the community for Palestine al-Dhahbānī says it was called Qā' Nāṣir!

Conversion to Islam

Islam, like Christianity is a proselytising religion, and indications go to show that, in pre-Islamic Arabia, in practice at least, so also was Judaism. Though, in the Islamic era, Judaism could not legally convert Muslims to the Jewish faith, yet it is alleged that the 'false messiahs' had sometimes many Muslim adherents, not necessarily of course converts. South Arabian Muslims generally would have liked to persuade their Jewish countrymen to join Islam, and over the centuries there was a steady trickle of converts though pressures to convert were occasional only, at certain periods. In the Yemen a Jewish convert to Islam is known as *muhtadī,* guided, but the term *Muslimānī* that I heard applied to families in Bayḥān converted many generations ago, would, in the Yemen, be considered a term of abuse applied to a Muslim, equivalent to calling him a Jew. In the mediaeval tribal law Mss.[169] I am editing, penalties are laid down for calling a Muslim a Jew or a Christian. Yet any day in Ṣan'ā' Sūq you will hear *'Yā Yahawdī'* (so pronounced), a relatively mild term of abuse, bandied about jocularly or seriously, without thought of its meaning. This is well brought out in the current joke of the Yemeni Royalists about the one or two northern Jews serving with their forces. When addressed as *'Yā Yahawdī',* the Jew indignantly retorted, *'Mā anā Yahawdī—al-Miṣrī Yahawdī!'*

Other stories treat the question of conversion with a certain levity. An ignorant man persisted in trying to persuade a Jew to become a Muslim—after numerous attempts the Jew assented and asked, 'How do I become a Muslim?' The man's astonished reply, *'Anā dārī kayf tuslim,* How do I know how you can become a Muslim?' has become proverbial.[170] To judge by the story that follows, persuasion was sometimes brought in to play at a higher social level.

An eminent scholar (*'ālim fāḍil*) besought one of the Imāms for aid from the Treasury (Māl al-Muslimīn) but the Imām paid no attention to him although at the same time he was receiving some Jews who had turned Muslim with honour and entertaining them. The scholar, annoyed at this, disguised himself as a Jew, came to the Imām's *Majlis,* and made a display of wishing to adopt Islam, so the Imām entertained him and gave him a fine present. As the conversation went round in the *Majlis* and the ulema discussed the various branches of learning (*'ilm*)—as is the custom at gatherings of ulema in the Yemen—this scholar took part, and the Imām soon found he was an *''ālim fāḍil'* and having his suspicions about him, asked, 'Aren't you so and so?' 'Yes,' the scholar replied. 'Why then did you resort to this trick?' asked the Imām. *'Jirr lak Mislim ḥāṣil,* Get yourself a ready-made Muslim,' the scholar retorted, meaning that I resorted to this trick because I found you receiving Jews when they embraced Islam, but neglecting the ulema of the pre-eminent (*fuḍalā'*) among the Muslims themselves![171]

If, in the spirit of this tale, a converted Jew was rewarded in some way for his act, contrarywise, other reasons than simple devotion to the faith, come what may, could make conversion unattractive. In the first place a Jewish convert would lose the protection and support of his own community without gaining comparable standing in the Islamic community. This is a factor that has done much to preserve Christian minority communities also in Arab countries of the Middle East. It is illustrable from the tale[172] of a Jew who became a Muslim but died the next day. His mother wept for him, so the Jews asked her, 'Why do you weep for him when he had left the Jewish faith?' To which she replied, *'Lā tajammal minnuh Mūsā wa-lā shafa' luh Muḥammad.'* She meant that she wept because Moses is not pleased with him any more, and Muḥammad doesn't know he has joined his religion!

Another material reason for not quitting Judaism was that in return for the really light *jizyah* poll-tax the Jew, as has been seen, was accorded the Imām's protection and this when an Imām was strong was rigidly enforced. In periods of anarchy and tribal independence they relied on protection from the tribal Mashāyikh. Barer,[173] doubtless informed by emigrants' reports, says an Arab shaykh in some regions would give his Jews real protection of life and property in return for more special taxes—he indicates that these are not *jizyah.*

Jews in business in Ṣan'ā', it may be surmised, would equally find it awkward to break economic ties with their co-religionists to join a group of Muslim merchants or craftsmen.

A sore point with the Jews was the obligatory conversion of Jewish orphan minors to Islam, as has been seen above. Goitein could find no hint of any such rule in the Zaydī *fiqh* books available to him—he suggests that this rule is based on the *Ḥadīth* that states that every man was born according to natural religion (*scilicet* Islam) and only his fathers made him Jew or Christian.[174] This was however a subject of discussion among Yemeni Zaydī ulema. One of the *Mudhākarāt* (Discussions) between Qāḍī al-Ḥusayn al-Maghribī and Qāḍī Muḥammad b. 'Abd al-Hādī Dha'fān of Dhamār towards the end of the 11th/17th century is embodied in a treatise, entitled, *The problem of the minor Dhimmī child when his parents have died in Dār al-Islām.*[175] Again in the latter half of the 12th/18th century no less a person than Qāḍī Yaḥyā b. Ṣāliḥ al-Saḥūlī composed a work entitled, *The tearing away of infant children of the Dhimmīs at the death of both parents.*[176]

The Jews married off orphan minors to evade this measure

166 Muḥ. al-Dhahbānī, *al-Anghām al-sha'biyyah,* Ta'izz, 1969, 34.
167 *Qalb al-Yaman,* 168.
168 Louise Février, 'A French family in the Yemen', *Arabian studies,* 1976, III, 127-35.
169 The *K. al-Adāb wa-'l-lawāzim fi aḥkām al-man'ah,* and the Rossi Mss. used by him in 'Il diritto consuetudinario delle tribù arabe del Yemen', *RSO* Roma, 1948, XXIII, 1-36.
170 Qāḍī Ismā'īl, *al-Amthāl al-Yamāniyah,* I, 238, no. 676.
171 Ibid, I, 409, no. 1214. *Ḥāṣil* = ready, to hand.
172 Qāḍī Ismā'īl, unpublished proverb, and, ibid, in like vein, *Lā qad darā bah Muḥammad wa-lā 'ād nafs Mūsā 'alayh ṭayyibah.* Cf. *Jemenica,* 177, no. 1379, *'Al-Yahūdī ilā qad kharaj min al-khuṭṭ kharaj,* The Jew when he goes out of the circle (*khuṭṭ* = *dā'ir*) is lost irretrievably.' Goitein adds a comment by his Jewish informant that, in the case of a Muslim, Muḥammad will intercede for him.
173 Op. cit., 125.
174 Bukhārī, *Ṣaḥiḥ,* edit., Krehl, I, 348.
175 *Fi mas'alat al-ṣaghir min awlād al-Dhimmiyyin idhā māt abawā-hu fī Dār al-Islam. Nashr al-'arf,* I, 202. No copies of this or the next treatise are so far reported.
176 *Fi intizā' aṭfāl Ahl al-Dhimmah 'ind mawt al-abawayn. Nayl al-waṭar,* II, 387.

as we know, and even tried to smuggle them to Aden but I imagine that, as in Ḥabbān,[177] an orphan would be taken into a Muslim household as a pious act, and in this way perhaps assimilation to the Muslim majority would be the easier.[178] Ḥabshūsh[179] tells of an old man in the Najrān area who came there originally from Ṣan'ā' about the beginning of the 19th century, to escape from Imām al-Manṣūr 'Alī's orders that Jewish orphan children should be taken to become Muslims with him so that he might settle them as servants (*khuddām*) and attendants (*dawādirah*) in the houses and castles.

Forms of Address, Names, Etc.

The Muslims address the Jews as Yā Sālim, says Mohammed Hassan,[180] as we in Baghdad call them *khawājah*. If a Jew's name were known he was simply called by it, but *'Yā usṭā'* would be used where politeness required it. A Jew is also known as Abū Zinnār because of the side-locks which distinguish them from the Muslims—over which they wore a *kūfiyyah* with a tail (*'adhabah*) technically known as *qirriḥah*. A strange word *maq'is* is said to mean a Jew or a *ḥallāq*—it looks as if it had a derogatory implication, and a Muslim in mentioning a Jew would add some such deprecatory formula for alluding to him as '*ṣāna-k Allāh*,[181] God guard you.' There are several such phrases used in South Arabia and indeed in other parts of the Arab world.

The Jews are also known as Ahl al-Sabt,[182] and Muslims are well aware of the Jewish care for the Sabbath. Qāḍī Ismā'īl reports a saying, '*'A-yikhtarim*[183] *al-Sabt*, It will break the Sabbath.' This means the Jews will do nothing that breaks their Sabbath, and it is used of a person who is breaking the bounds of custom (*ḥudūd al-'urf*). Another saying, '*'A-yibayyin-ah al-Sabt*, The Sabbath will make it clear,' is explained as a reply to a question whether a man is a *qabīlī* or a *Yahūdī*. This would be said when in doubt as to a person and one wishes to find out about him before giving any opinion on him.

If asked about something of which you know nothing you say, '*Ḥaqq Sa'īd al-Yahūdī*, Belonging to the Jew Sa'īd,' and Sa'īd also seems to be used as a name for a Jew just as one would say 'Paddy' for an Irishman. As both documents show, and Nazīh[184] remarks, the majority of Jewish names are like those of Muslims.

A curious word *al-miḥrām*[185] occurs in some sayings reported by Qāḍī Ismā'īl, which seems to be arrived at by metathesis of the Hebrew *mirūḥam*, the late (so and so). '*Ḥālat bint miḥram*, the state of a girl orphan', means a bad and disturbed state of affairs! The word also figures in a sly dig at the corrupt *qāḍī* in the Jewish saying, '*Uḥsub al-miḥram khallaf thalāthah*, I reckon the deceased left three (sons).'[186] In point of fact the deceased in question had two sons, but when the *qāḍī* in charge of dividing out his estate had taken his fee for this service, amounting to more than fell to either of the heirs, one of them commented in the above words—i.e. the estate in effect has been divided into three parts!

Ṣan'ā' Jews used to address any Muslim man unknown to them as Sīdī Aḥmad, and, in the countryside, a man or woman as *Yā jārī/jāratī*.[187]

Social and Business Relations between Muslims and Jews

While the tendentious assertions in a highly emotional book like Shlomo Barer's *Magic carpet*[188] that attempts to create a pathetic picture of Jewish emigrants from south Arabia, are easily dismissed, statements of a scholar of Goitein's calibre seem to require some modification. In the Yemen, he avers, Jews lived in separate villages and quarters surrounded by a sect of Muslims with even stricter taboos who would not even drink a cup of coffee touched by a non Muslim, but he informs me, this applies to the Zaydīs only. Yet, even with them, it is likely this would be confined to a minority of over-zealous ulema. There are historical allusions, moreover, to Jews living among Muslims,[189] and if they generally do live in Quarters of their own or separate villages so do separate groups of the Muslim population.

For my own part, in 1947, I saw Jews drinking coffee with the Muslims in Ḥabbān at the reception for the Sultan Nāṣir al-Wāḥidī.[191] They however withdrew before the arrival of the meat since this was unlawful for them to eat.[192] On asking a Bīr al-'Azab Muslim of the Bayt al-Usṭā family if Muslims would eat meat of animals slaughtered by Jews he replied that this was completely impossible, remarking 'because theirs is a different *qiblah* (*li'anna qiblat-hum ghayr*)', alluding to the usage whereby an animal or bird is slaughtered facing the *qiblah*. This is a simple ritual difference. Jews and Muslims in Ṣan'ā' could and often did eat together, except that neither would touch meat slaughtered by the other. Muslims used to buy many comestibles prepared by Jews, including sweetmeats (*ḥalawiyyāt*) in particular. An experienced political officer, Harold Jacob,[193] demonstrates incontrovertibly that the Muslim regards the Jew as clean, quoting the proverb, 'Walk with a *Khādim* but don't sit down to a meal with him: eat with a Jew but don't walk with him.' The *Khādim* as a scavenger is unclean; the Jew, not a fighting man, would be no use on a journey through dangerous country. Perhaps a Muslim's sentiments appear best in the tale of the man who entered a Jew's house and the Jew invited him to share in his meal. The man didn't like very much to eat meat slaughtered by a Jew, doubtless for ritual reasons also, but when the Jew pressed him he said, 'If it's got to be (eating) in the Jewish way, then let it be the chicken-breast (*Idhā qad al-binā 'alā Yahawdah fa-'l-sukkabī*)!'[194]

177 Cf. 'A Judeo-Arab house-deed from Ḥabbān', op. cit., 120.

178 A strange case indeed seems to be recorded in Renato Traini, *I manoscritti arabi . . . della Fondazione Caetani*, Roma, 1967, 69, *Collective response* of the ulema, '*al quesito circa la condanna da infliggere ad un tale che, per rendere nullo il matrimonio della sorellastra con un cugino, l'ha indotta ad apostatare e a convertirsi alla religione ebraica, appena raggiunta la maggiore età*,' (dated 1296/1879).

179 Ḥabshūsh, op. cit., English summary, 62, text 105.

180 *Qalb al-Yaman*, 168.

181 Jacob, *Perfumes of Araby*, London, 1915, 228-9. Phrases such as this were also used by older Muslims when mentioning a woman (*imra'ah*, *ṣāna-kum Allāh*), and distasteful or unclean things such as shoes, etc.

182 Ibid, loc. cit.

183 *Ikhtaram*, syn., *inqaṭa'*.

184 *Riḥlah*, II, 292.

185 He rendered *al-miḥrām* as *al-shakhṣ alladhī māt*.

186 *Al-Amthāl al-Yamāniyah*, I, 37, no. 103. Note the variant *miḥram*.

187 Cf. p.425b.

188 Published in London, 1952, this journalistic book has strong bias and is full of errors. Data drawn from Brauer's masterly study, appear in distorted guise. Yet as an impression of the exodus it is indispensible, and the information reported from the emigrants is often valid and tallies with other sources. For the subsequent history of the emigrants see Aviva Klein-Franke, 'Akkulturationsprobleme der jemenitischen Juden in Israel', *Anthropos*, Fribourg, 1967, LXII, 841-97, with extensive bibliography.

189 *A Mediterranean society, II, The community*, Berkeley-Los Angeles-London, 1971, 226.

190 Cf. p. 421b.
For example north of Raydah, the village of the Banī Zubayr of 'Iyāl Sirayḥ of Bakīl, who were ecstatics (*majādhib*), but now they regard it as *'ayb* to be so called. They will fight anyone who calls them *majdhūb*, and they have a *raqm* (syn. *wathiqah*) a written agreement between themselves that they will pay the *diyah* of a person killed in such a fracas.

191 Cf. *al-Baḥr al-zakhkhār*, I, 13, We drink from vessel of the Ahl al-Kitāb.

192 Qāḍī Ismā'īl, *al-Amthāl al-Yamāniyah*, 79, no. 222, has a proverb on this theme. He quotes also, *Ghaṣṣib al-Yahūdī maraq*, Make the Jew eat broth. This is used of compelling a person to do something he does not wish. Broth would contain meat not ritually slaughtered in Jewish style. The ordinary Ṣan'ānī Muslim would have no reason to buy or eat meat slaughtered by Jews.

193 *Perfumes of Araby*, 229.

194 *Al-Amthāl*, op. cit., 111, no. 309. Making the best of a bad job, the Muslim is taking the choice piece! A curious dislike of an early Ṣan'ānī *'ālim* that an animal be slaughtered by a negro (Zinjī) is reported by al-Rāzī, *Tārikh*, 334.

A story published by Leslau[195] contains the expression *'Yā Yahūdī, yā nājis,* You Jew, you unclean person.' This, I think is a simple error for *Yā nāqiṣ,* You person of low degree. The *q* and *j* being pronounced as 'g' in garden it is easy to confuse them. In any case a Jew, if insulted in this way, could claim justice against the offender. Imām Yaḥyā even had the Great Mosque of Ṣan'ā' white-washed by Jewish plasterers so presumably he had no misgivings as to their ritual cleanliness.[196] Nor have I come across anything in the literature to support in any way Barer's assertion that the Muslims regard the Jews as unclean.

To this day the merchant Ḥabshūsh, colloquially 'Ḥibshūsh', is popularly remembered as a *jalīs,* a 'crony' of Imām Yaḥyā.[197] He was an astrologer (*falakī*) and the Imām would ask him for his prognostications, or so it is said, as to the favourability or not of times and actions. While many Jews were *falakīs* so were many noble Sayyids.[198] Yemeni Muslims and Jews alike believe in magic and the Jinn. Al-Jarashī[199] tells a humorous story of a Jew, Sālim al-Badīḥī, a representative for the Jews at the daily *Majlis* of the Imām composed of Mashāyikh and Qāḍīs of the Qabā'il (*sic*), as he says at least, for the story appears apocryphal, who discomfited the Muslim members there but was prevented by the Imām from being attacked by them.

An Iraqi writer[200] says of the Jewish woman that her duty is in the house, and in the houses of the Sayyids and governors (*ḥukkām*) of the Yemen for a small wage of not more than half a dinar a month. The Jews act as washermen and ironers, perform the bringing up (*tarbiyah*) of the children of the notables and are employed at housework.[201]

To what extent amicable relations could prevail in the Yemen between the two communities whatever theories the ulema might have, is strikingly revealed in a question put to the scholar Ibn Ja'mān[202] (ob. 1034/1624-5) in, of course, a tone of strong disapproval—the questioner one imagines would be himself an *'ālim.* It runs,

> A question from a Muslim district (*jihah*) over the people of which uprightness, virtue and obedience to the pure *sharī'ah* predominate, except that their districts are devoid of ulema, in which are Jews dwelling there, mingling with them in a single village. From these (Jews) disapproved things have begun to appear, but the people of the districts say nothing, not reproving them because of their lack of knowledge of the statutes (*aḥkām*) of the *sharī'ah.* One of these is that they raise their voices above the Muslims, making their meetings conspicuous and raising their voices in reading/reciting and putting effort into this. Another is that they have synagogues there, all of them new since (the coming of) Islam which they concrete (*yuqaḍḍiḍūna-hā*) and decorate like our mosques and even more. [Nor][203] do they show reverence for select persons or ordinary folk (*al-khāṣṣ wa-'l-'āmm*)—to such an extent that if one of the Muslims wishes to enter them (the synagogues) for some necessary purpose they do not make this possible for him, though they go on entering our mosques, by permission, even though it be without any necessary purpose. A further thing is that if one of their dead should die, they bury him in day-time, raised up and respected (*mu'aẓẓam*) among the Muslims. Yet a further thing is that the Muslims have trust in them, let refuge be taken in exalted God, over their secluded women (*maḥārim-hum min al-nisā'*), so that the Jew, be he young or an old man (*shābb-an aw shaybah*), enters to ('*ind*) women, young girls or old women, in a private room (*khalwah*) or elsewhere, mingling and conversing with them, without their veiling from him at all. When a Muslim (girl) is married to a distant place the Jew takes the bride (*'arūs*) on his back, by night or by day, lagging behind the bridal escort (*shawwā'ah*) with her. When he tires he sets her down and talks to her without a veil (*ḥijāb*) or anything. Is it permitted them to commit these forbidden things or are they most severely prohibited, committing them not being permitted, root and branch (*aṣl-an wa-faṣl-an*)? Is it the duty of the lord (*waliyy*) of the district and other competent persons (*qādirūn*) to reprove all of this and stop them from it, and to act actively and energetically to prohibit them and restrain them from these matters or not?

Ibn Ja'mān, in a lengthy reply, answers of course that the reprehensible acts described are illegal and to be stopped. The districts in question are almost certainly Shāfi'ī. In the country districts such relationships are likely to have continued up to modern times, for Nazīh[204] had heard that, on the borders of 'Asīr, Jews and Muslims were still living cheek by jowl, each community celebrating the other's feasts[205] as well as their own, and in olden time there was even intermarriage there between them.

After this it comes as less of a surprise to find the Jews of Aden at the British conquest in 1839 taking refuge on the day of the attack in the 'Aydarūs Mosque along with the Bāniyāns and womenfolk.[206]

Commerce and the Crafts: Relations with the Muslims

Al-Shahārī,[207] not an unbiased writer, avers that the Jews had a near monopoly of trade along with the Imām, and that after they left the Yemen, it became the monopoly of the Royal House with their *wakīl,* 'Alī Muḥammad al-Jabalī, and that this aroused jealousies. Certainly al-Jabalī was the most prominent of Yemeni-Aden merchants, but there were others used by Imām Aḥmad. Al-Shahārī says, correctly, that their activities ranged from the sale of old clothes to the import of Japanese ready-mades, and that they also paid hardly any tax compared with the Yemeni trader. Both he and Nazīh[208] confirm that most of the crafts were in their hands—the carpenters, blacksmiths, jewellers, builders (*bannā'*), architects (*mi'mār*), merchants (*tājir*) and money-changers (*ṣayrafī*); he comments that they made wine freely but were not allowed to sell it to Muslims. Nazīh[209] himself visited the Jewish quarter

195 'Texts on Yemenite folk-lore', *Proc. of the American Acad. for Jewish Research,* Philadelphia, 1944, XIV, 225. Cf. *Yā nāqiṣah* in al-Khafanjī's poem in *Nashr al-'arf,* II, 195.

196 E. W. Bethman, *Yemen on the threshold,* Washington, 1960, 41. In fact they did whitewashing in Ṣan'ā' mosques in general.

197 Barer, op. cit., maintains that Imām Yaḥyā often summoned the Chief Rabbi to his palace and had long scholarly discussions with him.

198 Zabārah, *A'immat al-Yaman,* al-Rawḍah, 1376 H., (2), I, 89, speaks of Jewish sorcerers consulted by a Sayyid himself given to magic, and in the *Nashr al-'arf* there are frequent references to magic and the Jinn.

199 W. Leslau, op. cit., 237 seq. The Jarashī and Badīḥī families were well known and each had a synagogue named after it. Cf. Brauer, op. cit., 307. Another tale follows of a Jew verbally besting an Arab!

200 Mohammed Hassan, *Qalb al-Yaman,* Baghdad, 1947, 169. He says that Jewish women are forbidden to learn reading and writing. Barer, op. cit., 104, states that, apart from learning embroidering Jewish girls remained illiterate and received no education. In this they are like some of the more conservative Muslims of the past in, for instance, Tarīm. Mohammed Hassan, op. cit., 168, notes that the Jews are polygamous, marrying even six women; he had known a Jew who had a ninth wife aged eight although himself a man of nearly fifty. It is common, so he says, for Jews to marry girls aged nine and upwards.

201 In Ḥabbān the Sultan had a Jewish servant who looked after the water-pipes and did other duties.

202 *Fatāwā,* 363a, seq. He was *mufti* of Zabīd, see my *Portuguese,* 32, passim.

203 It seems necessary to supply this negative to complete the sense.

204 *Riḥlah,* I, 143.

205 In a xerox copy of a Ms. of miscellaneous calendrical treatises from the Yarīm region in my possession is a short discussion on the fasts and feasts of the Yemeni Jews, entitled *Ma'rifat a'yād al-Yahūd la'ana-hum Allāh, wa-ṣawmi-him fi 'l-shhur al-Rūmiyyah.* The corresponding dates are not only given according to the Rūmī months but also according to the Zodiac.

206 J. S. Kirkman and D. B. Doe, 'The first days of British Aden', *Arabian Studies,* Cambridge-London, 1975, II, 187, 190.

207 Muḥammad 'Alī al-Shahārī, *Ṭarīq al-thawrah al-Yamaniyyah,* Beirut, 1972, 78.

208 *Riḥlah,* I, 60.

209 Ibid, II, 140.

with a Jewish *dallāl* or commission agent. Sayyid Aḥmad al-Shāmī informs me that the Jews had independent markets which had Jewish headmen (*'uqqāl al-Yahūd*), and he does not recall that they had any part in choosing *'āqils* in the Muslim sūqs. Of course there were Muslim carpenters and blacksmiths as there are to this day.

One of Qāḍī Ismā'īl's unpublished proverbs shows the extent to which day-to-day business dealings were affected by the keeping of the Jewish Sabbath. *'Al-Sabt Sabt, wa-law bayna 'l-khamsayn*, The Sabbath/Saturday is the Sabbath even if it come between two fives.' This is explained as the first five days of Dhu 'l-Ḥijjah and the second five days, the Great 'Īd falling on the 10th of Dhu 'l-Ḥijjah. If the Sabbath/Saturday should fall then, it being a day when there is little trading and a general dullness in the market, even if the Feast is coming the Sabbath will still be kept because it is a holiday with the Jews, though the Muslims are crowding into the sūqs to buy their requirements for the Feast.

Nazīh[210] visited a Jewish cloth-shop about two metres high (like many shops today in Ṣan'ā') near Bāb al-Sharārah in which the most important wares were *ṣāyāt*, Syrian silk (*al-ḥarīr al-Shāmī*), called however *al-ṣāyāt al-Miṣriyyah* because they came to the Yemen via the Suez Canal, and *daymā/dīmā al-Shāmī*, mostly Aleppo manufacture.

The broad humour of a slightly coarse tale of a Muslim dealing with a Jewish tailor shows a lighter side to life in the Yemen. The Muslim gave the Jew a length of *jawkh* cloth to tailor into a *jubbah*. The Jew admired the cloth and wanted to take some of it for himself, but the owner insisted the Jew cut it out (*faṣṣal*) in front of him. To trick him the Jew broke wind which made him laugh so inordinately that he lay on the ground. While he was so distracted the Jew quickly snipped off the *jawkh* a piece surplus to what was required to make the *jubbah* and, in a twinkling of an eye, concealed it from the owner. When the Muslim wanted him to repeat what had caused him to laugh, the Jew said, *' 'A-tuqaṣṣir al-jubbah*,[211] Do you want to make the *jubbah* too short?' If he were to break wind a second time and snip off another piece of the cloth, it would become too short to make the *jubbah*.

Qānūn Ṣan'ā' shows that pottery was made at Qā' al-Yahūd—including pipe-bowls made by known potters—or perhaps these are trade-names for the type of pottery, al-Sayyānī, and that of al-Laywī manufactured at Qaryat al-Qābil. Jewish women acted as middle-(wo)men dealing in dye-bowls. Probably this craft was long established with Jews since the historians tell us that in the mid 5th/11th century Jiblah town received its name from a Jew who used to sell pottery (*fakhkhār*) there.[212] Nazīh[213] noticed in the Jewish Quarter in Ṣan'ā' a kiln (*furn*) to burn red brick, and another for making pottery, *tannūrs*, etc. There were also Jewish mud-plasterers and workers in gypsum, notably those making the *qamariyyāt* or alabaster windows.

A trade that brought the Jew into close contact with the Muslim household was the roughening of mill-stones when they had worn smooth. The Jewish stone-sharpener (*muwaqqir*) was credited with a tongue so sharp in repartee that *ḥiddat muwaqqir*[214] has become proverbial for a crushing retort. A woman, the story runs, once asked a Jew to renew the roughening (*khushūnah*) of her quern (*maṭḥan*). When he finished his task the woman began to retail to him all the hardships (*matā'ib*) of life and her many debts, hoping the Jew would take pity and only charge her lightly for his work. But when she finished the Jew answered, *'Kull-ah kubad*,[215] *yā jārī, qūmī adday shuqā al-waqārah*, Everything is hardships, neighbour, go fetch the wage for the roughening.'[216]

A host of sayings alludes to the Jew's keen business sense. *'La tashtāṭ illā ba'd Yahūdī*,[217] Don't buy grain till a Jew has bought.' This is because the Jew knows how to pick a good bargain. A proverb that can only have been heard from Jews, used of a person who prefers a quick return and small profit to a larger sum to be paid him later, is, *'Ḥīrām naqd wa-la burūkhā dayn.'*[218] This is understood by Qāḍī Ismā'īl to mean something like 'Unlawful money in cash, not money owed one with a blessing.'

The give-and-take humour of the market is expressed in tales such as that of the Jew who bought a donkey only to find it lazy, liking to remain in the stable rather than work. He went to the vendor to ask his money back but was refused. So he went to the *ḥākim* (*qāḍī*) complaining the vendor had cheated him. When the *qāḍī* questioned him about the donkey's vices (*'uyūb*) for which he could legally claim that the sale be rescinded (*faskh*) the Jew answered, *'Khuṣm-ih*[219] *al-khaṭyah, wa-rūḥ-ih al-ḥarr*, He hates walking and his heart's in the stable!'

A remark made by our driver Ḥusayn b. Sa'īd, a tribesman, as we passed the village of 'Athār,[220] formerly entirely Jewish, was that all Jews were well off in possessing a trade (*ḥirfah*) upon which they could rely for a living whereas, he meant, people like himself had not. He cited the Jewish craft of repairing china with metal rivets,[221] and indeed one still finds old china-ware mended in this way in the Ṣan'ā' shops.

Yet another tale around a popular saying from Qāḍī Ismā'īl's collection, be it factual or not, shows that kindly relations could exist between Jew and Muslim, as the writer's impression is that they often did.[222] A poor man's wife had just borne him a child and he possessed not even the least of the requirements of a woman after parturition (*nifās*).[223] So he went out to seek whatever he could bring his wife and a friend of his directed him to go to the Imām al-Mutawakkil Aḥmad b. al-Manṣūr 'Alī (early 19th century) to lay his problem before him so that the Imām would help him. He complained of his condition to the Imām who gave him only one single *riyāl* (*ḥawwal lahu riyāl-an wāḥid-an*), and the man left not knowing what to buy with it. He was pondering when one of the Jewish merchants of Ṣan'ā' happened to pass by and, realising his dilemma, at once left and sent off to the poor man's house a quantity of wheat and much ghee (*saman*) and honey,[224] along with twenty *riyāls* in coin. Taking the *riyāl* the Imām had given

210 Ibid, I, 124.

211 Qāḍī Ismā'īl, from whose unpublished collection this saying comes, regards this as a Jewish proverb. Other references to Jewish weavers include of course Goitein's 'Portrait of a weaver's village'; *Jemenica*, 68, no. 425; Kirkman and Doe, op. cit., 195, refers to Jewish weavers at Aden making a coarse kind of cotton cloth.

212 'Umārah, in Cassels Kay, op. cit., 40; *Nashr al-'arf*, I, 204. Michael Bates, quoting al-Khazrajī, *Kifāyat*, fol. 48a, mentions Jews operating pottery kilns at Ṣan'ā' in the 12th century A.D.

213 *Riḥlah*, II, 140.

214 *Waqqar*, syn., *yukhashshin (takhshin)*, to make coarse, roughen the *maṭḥan* or *raḥā* with a *zubrah ṣaghīrah*, small hammer, the action itself being called *naqr*, pecking. Cf. *Jemenica*, 108, no. 769. Qāḍī Ismā'īl's collection includes, *Al-fishr khuḍrat al-qalb, al-ghadā qawqarah/qawqārah*, Boasting brings gaiety to the heart (without costing anything), but lunch is first millings. *Qawqārah* = *waqārah*, is the flour (*jaḥīn*) that comes out of the quern (*raḥā*) just after it has been re-roughened. It is eaten only by the poor as a rule because it contains grit. The proverb is used of a person making a show of wealth though he is actually poor and in straits. A *fashshār* is a boaster. A tale, doubtless apocryphal, tells of a young Jewish boy going the rounds in the city, with the street cry of the (Jewish) mill-rougheners, *Man yiwaqqir, man yisammir*, Who wants to roughen (his quern), who wants to nail? *Yisammir* means technically to rivet together broken china, one of the Jewish crafts. Invited to a house, he was assaulted by the owner, after which he shortened his cry to *Yiwaqqir faqat*, (Quern)-roughening only!

215 Qāḍī Ismā'īl, unpublished. *Kubad*, sing. *kubdah*.

216 The proverb looks Jewish. A Jew, addressing a Muslim, would use the term *Yā jārī*.

217 Qāḍī Ismā'īl, unpublished.

218 Ibid. The Qāḍī understood *ḥīrām* as equivalent to Arabic *al-ḥarām*, but Heb. *ḥerem* has the sense of excommunication, expulsion.

219 *Khuṣm* = *khaṣm*, enemy, *khaṭyah* = *khuṭwah*, and *ḥarr* is a Ṣan'ānī word for stable, cf. p. 46a. Mere laziness does not qualify technically as a vice in *Qānūn Ṣan'ā'*, 22, section e. Kirkman and Doe, op. cit., 195, say the Jews of Aden are mostly very poor and employed as labourers. They do carriage work with donkeys from one part of Aden to another.

220 Glaser's 'Aththār, but al-Hamdānī, *Ṣifah*, 111, confirms my spelling.

221 The repairer (*mulajjim*), *yiljim*, mends with metal rivets.

222 One might of course derive a different moral from the tale, and see in it an attack on the Imāms.

223 This would be for her special diet, entertainment of women visiting, etc.

224 These would be for the strengthening of the woman to whose diet they would be added. See p. 557b.

him in his left hand and the Jew's gift in his right, he said, *'Qallad-kum Allāh min al-Yahūdī*,[225] I adjure you by God, which is the Jew![226] Is it he who gave this (twenty) or he who gave me that one *riyāl*?' The passers-by who had of course no idea whence the gifts came, gave the obvious reply.

However good relations may be between Muslim and Jew, popular lore ascribes a violent hatred of Jews to dogs, and the expression *kalb wa-Yahawdī*[227] has something of the sense of our fighting like cat and dog. It is said that when a Jew passes by the Quarters of the Muslims the dogs bark at him and drive him away, especially if he be one of the country Jews (*Yahūd al-bawādī*)!

Documents

Arrangements for Slaughtering Animals

Outside Ṣan'ā' slaughterers in the villages and small towns were respected by the community and used even to be addressed as Mōrī (teacher), but in Ṣan'ā' itself and the larger cities no special honour was attached to the profession. Every slaughterer had to study the 'laws of slaughtering' and only became qualified to perform after passing an examination. The sellers of meat, butchers, bought animals and would ask one of the slaughterers qualified in this way to kill them. The evening before an animal was slaughtered it was fed a large quantity of salt in the belief that this would render the flesh more tasty.[228]

To engage in the slaughter of animals was considered an honorary post rather than a a source of income among the Jewish communities. The slaughterer of cattle and sheep was paid partially in kind with parts of the animal slaughtered, but a person killing poultry received no fee.[229]

The Muslim attitude to the profession and trade of butchery evidently differs radically from that of the Jews who, for ritual reasons, give it such higher consideration. We are informed that the followers of the Hādawī Zaydī school would not purchase meat of animals slaughtered by Jews, although in Muslim law it is lawful to eat their meat.[230]

An agreement[231] between two Jewish slaughterers dated the 8th of Shubāṭ, 1872, lays down that the fee for slaughtering is to be divided in halves between them. He who slaughters a *dhabīḥah*, be it cattle or sheep-and-goats gives his fellow half (*nāṣifah*), be he present or absent. If he does not follow this and give the money to his fellow his penalty (*adab*) to the Shaykh Yaḥyā 'Alī is two *riyāls* (*qirshayn ḥajar*), and he will be suspended from slaughtering. This they agreed to of their free will and choice, 'according to the regulation of our rabbis.' Among the witnesses—Muḥammad 'Abd al-Raḥmān, 'Alī Aḥsan, Raṣābī, and Maḥfūẓ Mūsā, there are two Muslims and two Jews. This is strange for 'such a typically ritual Jewish case'. Moreover the fine is entrusted to the Muslim Shaykh Yaḥyā 'Alī because, it is suggested, the Muslim authority was more effective than the Jewish. Jews rarely take a case to the Ḥukūmah,[232] and this was settled by the Mōrī. The similarity of this form of agreement to the provisions of *Qānūn Ṣan'ā'* is apparent.

A document in Hebrew character from late 12th/18th century Ṣan'ā' of the time of Imām al-Manṣūr 'Alī b. 'Abbās, a period of decline, was among those produced by the Jews at the important law-suit concerning the ownership of Qā' al-Yahūd which took place in 1918-19. The points at issue in this document which has an intrinsic interest of its own, may be summarised as follows.

The Bir al-'Azab Jews had their own abattoir, though slaughtering was often enough done at private houses. On each animal slaughtered the Government charged 1/8th of a *qirsh*, this charge being levied no doubt on Muslims and Jews alike. In order to raise money to help the poorer members of the community to pay a sort of ground rent for their houses to the Waqf which owned the land the Jewish headmen decided that an additional quarter-*qirsh* should be charged on each animal slaughtered, making the total charge 3/8ths of a *qirsh*. At the time when the document[233] that follows was written (1787) the Jewish shaykh who collected this charge apparently took a half-*qirsh* on every animal slaughtered—no reason is given for this—was the extra eighth *qirsh* a collection fee?

When the tax payable to the Government had been deducted, the ten *qirsh per mensem* that had to be paid to the Waqf as ground-rent was deducted. The remaining cash was applied for the benefit of the poor. The trustee for the poor, known as *shaykh* or *nasī'* or *nagīd*, looked after the charity fund.

A new trustee was this year appointed but because of a difference with the former trustee the case was brought to the Beth Dīn court. Arrangements were made to pay 1/8th *qirsh* to the Shaykh out of the half-*qirsh*, and the rest applied to poor relief. The final settlement is however not clear, but the interest lies in the intertwining of taxes and charity collection.

The Text of the Document

When Sulaymān son of his honour the Rabbi Yūsuf son of the Shaykh Sālim al-'Irāqī,[234] the trustee (*wakīl*) for the poor of Qā' Bīr al-'Azab, claimed from Sulaymān son of the Shaykh Sa'īd al-Kuḥlānī (the latter acting as) his father's trustee, that he hand over what he holds of the poor-fund (*ḥaqq al-'aniyyīm*), Sulaymān al-Kuḥlānī alleged that he was holding it against what he had lent to Sulaymān son of his honour the Rabbi Yūsuf afore-mentioned, from the money for the taxes/imposts and sites/plots (*min ḥaqq al-majābī wa-'l-'arīṣ*)—i.e., the half-*qirsh* imposed (*al-muq'ad*?) on each head of cattle (slaughtered)—because (the income) arising (*al-thā'ir*) on the plot and tax/impost is paid to the Shaykh (al-Kuḥlānī?), in accordance with what the ancestors, one after the other (*al-awwal bi-'l-awwal*) collected.

Sulaymān son of his honour the Rabbi Yūsuf counter-claimed that the (income) arising (*al-thā'ir*) is returned to the Jews—for in what way has the Shaykh any claim to it? When the Mashāyikh, the ancestors, used it (*aqdamū*?), this is not (to be considered as) evidence from them, since they used it (illegally), not (adhering to) any legal principle (*wajh shar'ī*).

After these claims (were put forward) we demanded evidence upon what principle this half-*qirsh* was originally fixed (*nītqan*).[235]

Then Mōrī Yaḥyā b. Mōrī Yūdā al-Ṣa'dī and Mōrī Mas'ūd al-Ḥamdī attended, God preserve them, and testified that initially there was as impost (*majbā*)[236] on each head of cattle (slaughtered) only an eighth of a *qirsh*. The site-tax (*ḥaqq al-'araṣah*) used to be fixed on the owners of houses (*ba'alē ha-batīm*)[237] by the Waqf people—but some poor orphans and widows were unable to pay what they owed, and, because of this, raggedness and ill-treatment/scorn (*ja'ath*[238](?) *wa-ta'bīth*) used to come their way. So the head-

225 Qāḍī Ismā'īl, from whose unpublished collection this story comes, says that *qallada-kum Allāh* is used in adjuring a person to speak the truth (*al-ṣidq wa-'l-ḥaqq*) in testifying (*shahādah*), or in judgement of some case (*al-ḥukm fī qaḍiyyah mā*). It means something like *nāshadtu-ka 'llāh*.

226 i.e. Who is the mean person? Qāḍī Ismā'īl also has a saying, unpublished, *Ḥidhq Yahūdī*, Jewish miserliness, *ḥidhq* = *bukhl*.

227 Qāḍī Ismā'īl, unpublished.

228 Based on Joseph Qāfiḥ, *Jewish life in Ṣan'ā'*, Jerusalem, 1969, 88-92. Cf. Brauer, op. cit., 105, *Fleischspeisen*.

229 J. Ratzaby, *Bo'i Teman* (Come thou south)—*Studies and documents concerning the culture of the Yemeni Jews*, Tel Aviv, 1967, 190-1.

230 See p. 423b.

231 Ibid.

232 Nazīh, *Riḥlah*, I, 60.

233 J. Ratzaby, op. cit., 187-88.

234 This person is known to Brauer, op. cit., 40.

235 This Hebrew term is from the same root as *qānūn*.

236 The *majbā* is paid to the Imāmic Government. Cf. Rossi, *L'arabo parlato*, 137, varie imposte sulle macellazioni (etc.).

237 A Talmudic phrase.

238 *Gloss. daṭ., ja'atha* = lacérer, déchirer (of clothes). This phrase looks like a sort of cliché and the sense is not quite certain.

men, the ancestors (*al-'uqqāl, al-qadmōnīm*) considered that a quarter plus an eighth of a *qirsh* should be imposed (*yataqa"ada*) on each head of cattle (slaughtered) and from this (money) should be taken the site-tax for the whole Jewish community so as to preserve the poor (from inability to pay what the Waqf demands).

In addition, Sālim b. Ṣāliḥ al-Qārah testified on behalf of his father that the quarter plus an eighth (of a *qirsh*) fixed, was for the poor only, to preserve them from raggedness.

Sulaymān b. Yūsuf al-'Uzayrī testified that this quarter and eighth (of a *qirsh*) was initially fixed for the poor. Any of it that used to be left over after paying the site (tax) (*tasīim al-'araṣah*) would be shared out for the poor under the supervision of Sayda-nā the Shaykh Sālim b. Hārūn al-'Irāqī, may he rest in peace.

Yaḥyā b. Maḍmūn also testified that this quarter and eighth was fixed for the sake of the poor and any of it left over after paying for the site would be shared out for the poor.

The Court's[239] decision was that the eighth of a *qirsh* out of that half *qirsh* should be delivered to the Shaykh—i.e., the customary impost (*al-majbā al-mu'tād*) upon each head (of cattle slaughtered). From the remaining quarter and eighth (= 3/8ths) the customary ten *qirsh per mensem* for the sites should be delivered to the Governor (*wālī*) of the Waqf. The remainder (after that) goes to the collector for charity (*ha-ṣedaqah*) for alms to the poor. The Mashāyikh have no right whatsoever in it, either in respect of the beasts slaughtered on ordinary occasions (*dhabā'iḥ al-sā'ir*), beasts slaughtered at the feasts (*dhabā'iḥ al-a'yād*), or in abattoir (*majzarah*) or in (private) houses. All reverts to the poor and the charity fund (*tevat ha-ṣedaqah*) between the lines.[240]

All is decided and settled.[241]

Signed by Shlomo b. Yeshū'ah, God preserve him.
Shlomo b. Yūsuf Turkī, God preserve him.
(Signature no. 3 unclear—all three, judges)
Mōrī Yaḥyā b. Mōrī Yūsuf Ṣāliḥ, 1787 A.D.
(Chief Rabbi)

An Agreement Between Owners of Adjoining Houses

It was not feasible, during our researches in Ṣan'ā', to launch into the study of property deeds. This would involve persuading individuals or bodies like the Waqf to allow us access to them, then the lengthy process of clarification of the vocabulary and import of the deeds, the vocalisation of names, etc. However the following agreement in Arabic in Hebrew characters, but with some Hebrew phrases, put at our disposal by Professor Ratzaby,[242] is similar in type to parallel Arabic Muslim documents. It deals with the kind of problem arising in a closely knit city.

The agreement, taken from the Jewish *'Miswaddah'* of Ṣan'ā', was drawn up on Sunday, 12th of Aylūl, 1770 A.D. Our assumption is that the law applied here is local custom common to Muslims and Jews alike, but probably acceptable in both codes. Clauses 1 and 2 are self-explanatory. Clause 3 gives temporary permission for certain windows to look on to a neighbour's roof-terrace; it is linked with clause 5 which lays down that if the windows were not already there a charge for the admission of sunlight by means of them will be paid to the neighbour. In Muslim Ṣan'ā', we are informed, if *A* opens a window in a house-wall overlooking the property of *B*, then *B* has the right to build a wall directly in front of *A*'s new window so that *B* is no longer overlooked.

Clause 4 deals with an ancient feature of South Arabian customary law, the question of ownership of the air-space[243] above one's property. It seems that Abraham is granted the grace and favour use of Yūdā's well and permitted to open an access door to it, but this is not a right and can be withdrawn at Yūdā's pleasure. The final clause regulates the passage of rain-water draining away from one property through another, seemingly from one open court at the back of Abraham's house to the corresponding court behind Jūdā's house—to judge by typical Jewish houses in the Qā' today.

The Text of the Document

1. Agreement took place between Yūdā Ḥabārah and Abraham al-L b d[244] that they will undertake the building of the wall of the court (*'imārat jadr al-ḥawiyy*),[245] (dividing the costs) into two halves. The clay (*turāb*) for the wall is (to come) from Abraham.
2. A quarter *qirsh* has been charged against Abraham which he will pay to Yūdā to meet Yūdā's complaint against him that his beam (*khashabah*) was broken by Abraham, owing to his putting clay bats (*libn*) and clay on top of Jūdā's roof-terrace (*jabā*).
3. The wall which is between them in the access passage/hall (*ḥijrah/ḥujrah*)[246]—there is no objection to Abraham putting up (*yu'allī*) the *qamariyyāt*[247]-windows which Abraham opened up facing Yūdā's roof-terrace (*ilā jabā*[248] *Yūdā*), temporarily permitted to (lit., as a loan (*'ārah*) in the hand of) Abraham.
4. The upper (part of) the well (*al-bīr al-'ulw*)[249] belongs solely to Yūdā, (both) the air (Heb. *avīr*) and structure of it (the well). Yūdā, allowed him (lit., loaned him (*a'āra-hu*)) to open a door (to the well?) until (such) time a Yūdā wishes to prevent access to the upper (part of) the well absolutely (*yamna' al-bīr mikōl va-kōl* (Heb.), *al-'ulw*). Abraham will withdraw when Yūdā refuses (access). Abraham will erect a half-door/shutter (*daraf*) to the door of the well from his side (*min ṣālāh* = Ar., *min ṣalayh*).
5. The light (Heb., *ōrah*) of the *qamariyyāt*-windows—Abraham will produce evidence (*yavi Abraham re'ayah* (Heb.)) that they were (already) in the stair-way and with a ceiling over them (*fi 'l-darāj wa-masqūf 'alay-hin*). If not (*idhā lam*), he will pay a charge for light (Heb., *demē ōrah*) to Yūdā.
6. The draining-runnel (*siyāq*)[250] of Yūdā's access-passage (*ḥijrah*), for rain only, would be at the disposal of Abraham, and for that (waste water) running at the Feast (*sawq al-'Īd*)[251] only. Whenever there is a lot of rain-water in Abraham's court Yūdā will make an opening[252] to his court for that quantity of rain-water which the drainage-runnel of Yūdā's access-passage can hold, to enter. The repair of the passage for the flood-water (*tiqqūn* (Heb.) *majza' al-sayl*) to Yūdā's court, wherever it is (too) much, is the responsibility of Abraham (to repair), that being the extent of the drainage-runnel of Yūdā's access-passage. *Wa-'l-salām.*

Waqf Claims to Ownership of Qā' al-Yahūd Disputed by the Jewish Community

The collection of documents that follows is important to the social history of Ṣan'ā'.[253] It is, in summary, the papers relating to the case brought by the Department of Waqfs against the Jews of Bīr al-'Azab, alleging that they have not been paying the full rent for the site of the Jewish Quarter which they occupy, coupled with a claim for arrears of rent going back to the first years of the Second Ottoman Occupation. The Jews counter with a denial that the area is Waqf land. The Waqf Department then produces

239 The Beth Dīn.
240 This phrase simply means 'above/fore-mentioned'.
241 A standard formula.
242 Yusuf Sh. Ḥubarah, *Telaot Teman ve-Yerushalayim*, Jerusalem, 1970, 377-8.
243 Cf. 'A Judeo-Arab house-deed from Ḥabbān,' op cit., 127.
244 Vocalisation uncertain.
245 *Ḥawiyyah*, an outside court behind the house into which refuse is tipped and heaped. (Goitein's glossary to Ḥabshūsh, *Travels*, 84.)
246 *Tarji' al-aṭyār*, 120, *ḥijrah*, a middle room/place (*makān*) between rooms like a passage (*mamarr*) to them.
247 Moon-shaped windows, semi-circular fanlights.
248 The *jabā* is the roof, used for drying dung for fuel, drying maize etc., and for sleeping upon.
249 Cf. 'A Judeo-Arab housedeed . . .', 125-7, *'ukwah wa-sufālah*.
250 *Siyāq*, explained by Arab informants as *majrā al-mā'*.
251 *Sawq al-'Īd* seems to refer to the Passover Feast when much water is used.
252 Perhaps there would be a permanent opening normally kept stuffed up with clay or rags.
253 Published by Professor Jehuda Ratzaby (Yemeni Raṣābī) in *Bo'i Teman* op. cit., 194-99.

supporting documents from its registers showing that certain sites were leased to individual Jews. The Qāḍī entrusted with charge of the case then proceeds, accompanied by the representatives of both parties, to try to identify these sites on the ground, but it proves impossible to do so. The Waqf Department now produces witnesses showing that small sums were paid by the Jews each month to the Waqf. The Jews admit these payments, which they maintain were merely customary, and not as rent for the site, but they cannot produce documentary evidence in confirmation.

They do however produce a copy of a petition to the Imām Ṣāḥib al-Mawāhib,[254] this having been found by the Chief Rabbi, and containing that Imām's answer and his seal, which proves that his father, during the first years of their settlement at the Qā', had permitted them to build on top of houses in the land assigned to them. (Qōraḥ says that they also asked for permission to build 73 houses on it, but this is not to be found in the document itself.)

The Qāḍī finds it impossible to distinguish Jewish property from that belonging to the Waqf (which, Qōraḥ says, after measuring, could only show claims to one third of the total area). In consequence of this the whole property reverts to the Imām as is laid down by law in the maxim introductory to the collection in cases such as this. The Qāḍī then submits his findings to the Imām to make a decision.

The Imām's decision is not produced, the next paper only being a receipt for the purchase-money. Qōraḥ[255] however states, 'The Imām's decision was that, as the part belonging to the Waqf has become mixed with the bought land to the extent that it is no longer possible to distinguish it, the sanctity of the Waqf (*qedūshat ha-waqf*)[256] is now ineffective, and the Waqf lands are no longer any more under the rule of the Waqf, yet do not belong to the holders (the Jews); everything belongs to the Treasury of the King and is under the authority of the Imām.'[257]

In order to possess the Jewish community of the Qā' land the Chief Rabbi had no recourse but to persuade the Imām to sell it.[258] The Imām consented and the Chief Rabbi bought all the land of the Quarter included in its bounds for 8,000 *riyāls*. The price payable was portioned out among the Jews according to their private properties, and each person paid the amount required of him to the Chief Rabbi who delivered it to the Imām. The sum collected was short of the purchase price by 500 *riyāls*—this the Imām decided to ignore in the interests of the poor and for all who could produce deeds of possession. The final document in the series was signed by the Imām himself.

Imām Yaḥyā entered Ṣan'ā' in November, 1918, and, if the dates of the commissioning of the enquiry and the production of the report are correctly given from the original, not only did the Imām set the enquiry afoot very shortly after his arrival in the capital, but the report seems to have been produced at what, for the legal profession, must be almost the speed of lightning. Yaḥyā took a close interest in the local affairs of Ṣan'ā' upon which he corresponded with its notables even while the city was under Ottoman occupation and direct control, and he may have been already interested in Waqf concerns.

Legal procedure, one can see from these papers, is admirably well established and, basically, Islamic law governing the relation of the Muslim and Jewish communities is justly observed. Though Islamic law does stipulate that the Jews be held 'in abasement and humiliation'[259] in a limited number of respects, these do not apply here, and the case has every appearance of being impartially conducted and judged.

These papers show that about the end of the 18th century the Bīr al-'Azab Jews were paying the Waqf 247.65 plus 5.7 *riyāls*, probably per annum, running from Rajab to Rajab. By 1918 they were only paying the Waqf 5 *riyāls per mensem* (60 *riyāls per annum*) which was in actual fact handed to the collector of human excrement. The purchase-price for the whole area of the Qā' in 1919 was 8,000 *riyāls* less a rebate of 500 *riyāls*, probably approximately equivalent to something over £600 at that time.

Royal Seal

In the name of God the Compassionate the Merciful

When a free property gets confused with a *waqf* property (*iltabasa min al-amwāl ḥurr-un bi-waqf-in*)[260] without possibility of distinction, the whole goes to the Treasury of the Muslims.[261] We command the Qāḍī al-Fakhrī[262] to send persons of probity (*'udūl*)[263] and surveyors to establish the extent of the (property in question) and arrange that (i.e., their findings) in a comprehensive document (*miswaddah shāmilah*). Dated 27th of the month of Ṣafar, 1337/2nd December, 1918.

The needy of God, praise to Him,
'Abdullāh b. Aḥmad b. Ṣāliḥ,[264] may God pardon them both.

* * *

Praise to God in all assignments.

By command of our Lord, His Majesty the Imām, may God prolong the shade of his benevolence, and after receiving permission from the Eminent and Exalted Seat of Government (Maqām al-Wilāyah),[265] there attended before me (*bi-ṭarafi*) Qāḍī al-Fakhrī 'Abdullāh b. Aḥmad b. Ṣāliḥ b. Abi 'l-Rijāl, Secretary of the Waqf, deputising agent for the Inspector of the Internal Waqfs (Nāẓir al-Awqāf al-Dākhiliyyah)[266] the very learned Sīdī Qāsim b. Ḥusayn al-'Izzī Abū Ṭālib, presenting a case (*mudda'iy-an*) against the two Dhimmīs (Jews) attending along with him, Ḥāyīm son of Sulaymān al-Mashriqī,[267] and 'Awāḍ son of Sālim al-Ṣārim, representing themselves and acting as deputising agents for the Jews of Qā' Yahūd Ṣan'ā', after their headman (*'āqil*), known as the Ḥākhām, Yaḥyā Yiṣḥāq,[268] and others, had verified before me that he had heard the empowering (of these men) by the majority of the Jews, to act as agents. Then there subsequently arrived also a power to act as agent (*wakālah*) penned by the trustworthy al-Ḥājj Muḥammad b. Muḥibb[269] 'Alāmah containing the empowerment of the afore-said (Jews) to act as agents, issued by twenty Jews.

254 See pp. 82a-83a.
255 *Sa'arat*, 71.
256 the Waqf Department cannot sell the land because of course *waqf* lands are not to be sold. Because however the land is no longer waqf, the Imām can sell it, and he will receive the payment.
257 It is a pity the original Arabic is not quoted.
258 So Qāfiḥ.
259 See p. 417a.
260 This is a legal cliché.
261 A Shāfi'ī jurist, Ibn Ja'mān, *Fatāwā* (private Ms.) states that if Jews do not own a site they pay rent to the owner if he be known, or otherwise to the Bayt al-Māl.
262 Al-Fakhrī (pronounced Fikhrī in Ṣan'ā') is the title given to a person called 'Abdullāh. Anyone called 'Alī is known as Jamālī, Aḥmad is entitled al-Ṣafiyy, Muḥammad has the title al-'Izzī, Ḥasan and Ḥusayn al-Sharafī, Muḥsin has al-Ḥusām, 'Abd al-Raḥmān or al-Raḥīm and the like are al-Wajīh, Qāsim has al-'Alam, Ibrāhīm has Ṣārim, Yaḥyā has al-'Imād. Other names such as Maḥmūd and 'Abbās have al-Ḍiyā'. These titles may also be used in a compound form like 'Izz al-Dīn, Ṣafiyy al-Islām, etc. (*Tarjī' al-aṭyār*, 82).
263 Cf. the use of this term in *Qānūn Ṣan'ā'*, section 1, ii, passim.
264 This is the al-Fakhrī above and the Abu 'l-Rijāl who figures in the next paragraph.
265 Al-Wilāyah is the Ottoman Government Headquarters in Ṣan'ā'.
266 The Internal Waqf is discussed on p. 149b passim.
267 Ḥāyīm son of Sulaymān al-Mashriqī was a money-collector of the Jewish community 'Awaḍ b. Sālim al-Ṣārim, himself a Jew (Ṣārim, n. 262 supra, = Ibrāhīm), is described as a smart lawyer who represented the Jews in many cases. Qōraḥ, *Sa'arat*, pp. 76-77 has a portrait of Ḥāyīm.
268 The Chief Rabbi, also entitled Ḥākhām Bāshī.
269 He is a *qāḍī*, a relative of 'Abdullāh b. Ḥusayn al-'Amrī (infra), described by Ratzaby as a go-between in cases concerning Jews. The 'Alāmah family had a house neighbouring the Jewish Quarter at Ḥayy al-Balaqah. They are *sadanah* and *a'immah* of Jāmi' Ḥanẓal—it is a Jāmi' because it is a mile away from Jāmi' Ṣan'ā' which, in Zaydī law, makes it possible to hold the Jum'ah Prayer there.

This plea by the deputy of the Inspector (of Waqfs) against the two afore-said was that the Dhimmīs had not paid the Waqf rent of the site (*'araṣah*) upon which are built the houses of Qā' al-Yahūd like others of the rest of the sites (*'arīṣ*)—but nevertheless they have come to paying a little of what is due from them all (*mimmā yajma'u-hum*). He furthermore demanded the rent for the past from the date, year (12)89/1872 up[270] to date. He demanded that the legal (*shar'ī*) rent for the future be calculated.

The site concerning which the plea is made, bounded on the east by the Square (al-Maydān) extending from north to south (*min al-qiblah ilā 'adan*) and the well of the house of al-Manṣūr al-Ḥusayn, behind which, on the eastern side, are the gardens, on the west by the wall (*dā'ir*) of Qā' al-Yahūd and the Gate of al-Qā', on the south by the wall of al-Qā' behind the mosque at the Gate of al-Qā' (i.e. Bāb al-Balaqah) and on the west, belongs to the Waqf and the private owners (*al-mullāk*).

The gist of the counter-plea (*ijābah*) of the two agents (acting for the Jews) was denial that the afore-said site is a *waqf*, denial of leasing and of knowledge of payment.

The agent of the Waqf produced the bound Miswaddah[271] of Waqf containing verdicts and evidential documents (*ruqūmāt wa-ḥujaj*)[272] in the hands of the Waqf, of various dates, in various handwritings, the bulk of them penned by the very learned 'Alī Hājir,[273] and the report of Qāḍī the very learned Aḥmad b. Muḥammad Mishḥim.[274] At the head of these was a quire (*daftar*)[275] with a writing (*khaṭṭ*) at the end of it penned by the well known Qāḍī the very learned Aḥmad b. Muhammad Qāṭin[276]—in this he said *verbatim* (*mā hādhā lafẓu-hu*): 'List of the sites of Qā' al-Yahūd—on each *libnah*[277] six *buqshahs* in accordance with the noble Manṣūrī command (*al-amr al-sharīf al-Manṣūrī*).' He cited the names of the sites of the houses and courtyards (*ḥawāyā*) etc., a total comprising five hundred and ninety sites (*'araṣāt*), the total extent of the *libnahs*, as he stated at the end of the afore-said quire, amounting to one thousand six hundred and fifty-one *libnahs*. Then following that come the names of the open sites (*'araṣāt*) totalling about thirty-eight *libnahs*.

Underneath this was a paper copied out in the handwriting of Sayyid al-Ḍiyā' 'Abd al-Ṣamad b. 'Abd al-Nāṣir[278] Abū Ṭālib from the original of it in the handwriting of the Faqīh 'Alī b. Yaḥyā al-Rāziqī,[279] the date of the original being the eighth of the month of (Rajab?)[280] year 1296/1879, the substance of which was that the Dhimmī Sālim b. Mūsā al-Sirrī and the Dhimmī Shlūmū/Shlomo[281] attended on that date and undertook responsibility to the Inspector of the Waqfs for the rent of the site of the *waqf* of Qā' al-Yahūd (*ujrat 'araṣāt al-waqf ḥaqq Qā' al-Yahūd*), five *riyāls* per month from the commencement of Rajab,[282] (12)96/21st June, 1879, for the period during which they are appointed to the abattoir (*mustanibīn fi 'l-majzarah*).

The agent of the Waqf brought out the register of leasings of sites (*Miswaddat ajā'ir*[283] *'araṣāt*) in which there were documents of leases of various dates to numerous Dhimmīs, containing the lease of each one from the Inspectors of the Waqf at the date it (was made) of what was in his hands.[284] In one of these it was stated *verbatim*: 'We have leased to Ya'qūb al-Ḥamadī, the Dhimmī, three *libnahs* less a quarter in the Waqf field (*jirbah*) west of Qā' al-Yahūd, next the north (of it).' He then stated the amount of the rent, (continuing) until he said, 'On the north Sa'īd al-Midwarī(?)[285] borders this plot (*'araṣah*), on the south Sālim al-Mu'allim, and, on east and west, the two through roads, the whole contained in the plot of the lessees.' Then, among the recent papers (*awrāq*), there is, *verbatim*, 'In the field (*jirbah*) of the Waqf west of Qā' al-Yahūd next the northern side, bounded on the east by the *Masqā* of (*ḥaqq*) al-Shaykh Sālim al-'Irāqī[286] and, on the west, by the path left for them in the middle of the field, north and south being Waqf (land?).' (There are as well) other papers in which the (description) of the boundaries follows this form.

Since ignorance arises as to what the two registers (*Miswaddah*) comprise it was up to us to survey (*kashf*) the place in dispute. So I set out, accompanied by the agent of the Waqf and the agents of the Dhimmīs along with some of their notables. Scrutiny of the registers and enquiry as to the names of the sites was made, having regard to what they (the registers) contained, but I was unable to find any clarification of the matter.

Then came the production by the agent of the Waqf of witnesses for what is well known (*shuhrah*)—witnesses concerning the place in dispute, they being Sayyid Muḥammad b. Ḥasan al-Shahīd b. al-Mahdī, Sayyid 'Abdullāh b. Muḥammad b. Ismā'īl al-Manṣūr and Muḥammad b. Ḥusayn Tilhā.[287] The testimony of Sayyid Muḥammad b. Ḥasan covered al-Qā' and its bounds in general (*'umūm-an*). The testimony of the rest was to the Waqf receiving (*qabḍ*) five *riyāls* every month in the name of site-rent. He (the agent) produced a verification (*taḥqīq*) in the hand of the very learned Sīdī Muḥammad b. Ḥusayn al-Kibsī,[288] God protect him, (stating) *verbatim*,

> That which I know is, during my tenure of the inspectorship (*naẓārah*) of the Waqf, the Dhimmīs used to pay five *riyāls* due to the Waqf each month by way of rent for the site of Qā' al-Yahūd to the Dhimmī cleaner (*muṭayyib*),[289] by a transfer (*taḥwīl*) from us to the butchers in Qā' al-Yahūd from what is due from them all (*mimmā yajma'u-hum*). It was the same during the tenure of my father the very learned al-Sharafī.[290] God preserve them.

When the Dhimmīs heard what the agent of the Waqf had produced they countered it with numerous references back (*murāja'āt*),[291] one of which was that their paying of the five *riyāls* was in pursuance of custom (*jary-an 'ala 'l-'ādah*) only, and that they did not recognise this as being on account of the site. Other points were that they request that the waqf and name of the donor (*wāqif*) be specified, and that their original documents (*uṣūl*) and old papers were among what was lost to them in the well known

270 I.e. from the first year of the Ottoman occupation of Ṣan'ā'.
271 This must be a *miswaddah* subsequent to that of Sinān, and I have in fact seen more than Sinān's register in the Jāmi' Mosque.
272 Sing., *raqm* = *wathiqah*, which the *ḥākim* issues (*yuṣdir-hā*), or an *'adl*, between two contesting parties *bi-shay' mathbūt shar'ī*. *Ḥujaj* are, literally, proofs.
273 Zabārah, *Nayl al-waṭar*, Cairo, 1348-50 H., II, 122, has a summary notice that he flourished from 1180-1235/1766-1819 to 20 and died in Ṣan'ā'.
274 Mishḥim was born in 1155/1742-3. Al-Mahdī 'Abbās made him *qāḍī* in Ṣan'ā' (*al-Badr al-ṭāli'*, I, 95).
275 *Daftar*, syn., *kurrāsah*.
276 *Al-Badr al-ṭāli'*, I, 113 *seq.*; *Nashr al-'arf*, I, 274 *seq.*, a celebrated personage, 1118-1199/1706-85, 'He had charge of the Awqāf of Ṣan'ā' and its districts along with the *qāḍī*-ship (*Tawallā niẓārat awqāf Ṣan'ā' wa-a'māli-hā ma'a 'l-qaḍā'*).' (p. 278). He was imprisoned by al-Mahdī 'Abbās in the Bustān al-Mutawakkil prison, but released by his son al-Manṣūr in 1196/1782. Since Qāṭin died in 1199/1785 Qāṭin's note must be be dated between these years.
277 Rossi, *L'arabo parlato*, 152, makes the *libnah* ten *dhirā'*. Ḥusayn al-'Amrī says ten square metres or fourteen square *dhirā'* equal one Ṣan'ā' *libnah*.
278 Hebrew character Nṣr. He must be of the well known family at al-Rawḍah.
279 This appears to be an error for al-Razzāqī.
280 In the text as published the name of the month has dropped out, and 'Rajab' is suggested as from below.
281 Al-Sirrī and Shlomo were money collectors for the community in charge of the abattoir. They sold skins and fat to people and thereby collected money to pay the collectors of excrement.
282 Rajab is the term as in pre-Islamic and Sa'ūdī Arabia today—leases run from Rajab to Rajab.
283 Plur. of *ijārah*.
284 I.e. the site he was occupying.
285 This name in the published text is dubious.
286 This is the official, known as Sālim al-Usṭā, who had charge of the Royal Mint in the time of al-Mahdī 'Abbās.
287 Tilhā is a Ṣan'ā' family.
288 Muḥammad . . . al-Kibsī is mentioned in passing by Zabārah, *A'immat al-Yaman*, (2), II, 399. He was Nāẓir al-Awqāf.
289 *Muṭayyib* is a euphemistic name for a collector of human excrement. See 562a, v. 25.
290 Ḥusayn as in n. 206 supra.
291 *Murāja'āt* has the sense of reviewing again, with reference to *ḥujaj* etc., making legal appeals.

looting in olden years, bringing out copies which they stated to be of the documents (in question). These give information on the existence of transactions (*taṣarrufāt*) of sale and leasing between themselves. In these there is allusion to the sites of some of the houses about which there is dispute, or something of the sort, with regard to *waqf*, but the dates of these originals are post-1200/1785,[292] and only relate to matters between themselves, with the exception of a copy of a Question in which (the questioner) says, *verbatim,*

> What is the opinion (*qawl*) of the ulema of Islam who discriminate between lawful and unlawful (*al-ḥalāl wa-'l-ḥarām*), through whose presence God, praise to Him, kept alive the *sharī'ah*-law of the Lord of Mankind (the Prophet), concerning the Jews of the city of Ṣan'ā', may God protect it through the upright among His servants? Since they are segregated from the Muslims, outside the city in a village by themselves, no Muslims being mixed with them, or building in their vicinity, may they build houses on the open land (*'araṣāt*)[293] which the Imām al-Mahdī li-Dīn Allāh Aḥmad b. al-Ḥasan (1087-92/1676-81), God's pleasure and mercy be upon him, assigned to them, and erect a storey over a storey above them (*yu'allū 'alay-hā saqf-an*[294] *fawqa saqf-in*), especially since they are afraid of theft[295] of their effects (*ḥawā'ij*) from their houses as they have no security for these on the ground floor (*al-saqf al-asfal*) because they are beside a large city outside its wall? Is their possession (*milk*) of the house-sites like that of the Muslims, 'from the earth to the Pleiades (*min al-tharā ila 'l-Thurayyā*)',[296] and are they restricted from erecting (*ta'liyah*) (a further storey) only when overlooking the Muslims (*taraffu' 'ala 'l-Muslimīn*) would come about—a thing inconsistent with the humiliation (*ṣaghār*)[297] imposed upon the people of the Dhimmah?
>
> The response is requested from the ulema of Islam, God increase them, and from their Head and Imām, the Commander of the Faithful and Lord of the Muslims, al-Mahdī li-Dīn Allāh Lord of the Worlds, may God Exalted preserve him from the vicissitudes of the nights and the days, may he never cease to be the Cave[298] of widows and orphans and guardian of the *sharī'ah*-law of his ancestor Muḥammad, upon whom and his Family be the most esteemed blessings and peace . . . O God, the Commander of the Faithful.

At the top of this is the seal (*'alāmah*) of the Imām al-Mahdī, God's pleasure be upon him, and underneath it, *verbatim,* the response as mentioned.

> Let the afore-said (Jews) continue in that which my father established them—in God's and our security (*amān*) as long as they continue under our covenant of protection (*dhimmah*) held in abasement and humiliation (*lāzimūn al-ṣaghār wa-'l-dhillah*).[299] They have the right to erect (additional storeys) on their houses, and none of our governors (*'ummāl*) has the right to obstruct them. Let this be known. God is enough and suffices us.

Alongside this is (written), *verbatim,*

> Whatever Mawlā-nā the Imām al-Mahdī li-Dīn Allāh and the ulema pronounce is to be acted upon for it is law (*shar'*). Whatever they (the Jews) construct in consonance with the afore-said precept (*wajh*) they have the right to do so. God is most knowing. Sayyid Mahdī b. Ḥusayn al-Kibsī[300] wrote this.

Alongside this is (written), *verbatim,*

> Praise is God's alone. What al-Mawlā (the Imām) pronounced, may God Exalted preserve him, is to be applied. They are prohibited from building higher than the houses (*dūr*) of the Muslims only when their houses are neighbour to the Muslim houses. God is most knowing. The humble (*ḥaqīr ilā*) before God Exalted, Ḥusayn b. 'Alī al-Maghribī wrote this.

There was also, above the Question, the following, *verbatim,*

> By God who guides to what is right, whatever follows this description they have the right to erect (additional storeys) upon, they being prohibited only from what is inconsistent with the abasement and humiliation, such as raising their houses above the houses of the Muslims. Their possession of the possessions over which their right has been established is similar to the possession by Muslims, especially since the Imām al-Mahdī, God's pleasure be upon him, had already established them (in it); his decision eliminates difference of opinion and anyone objecting is left no way to do so. God, praise to Him, is most knowing. The humble before God Exalted wrote this.
>
> This is the copy of what was stated, word for word, without addition or subtraction. This was transcribed in the month of Shawwāl the Blessed, year 1336/July, 1918. The humble (*ḥaqīr*) ['Alī b.] 'Alī b. Aḥmad al-Yamānī[301] wrote this. (concluded)

* * *

This is what the two sides put forward, and they request the positive[302] *shar'ī* verdict.

I state that, when I studied all the papers in the hands of the Waqf and those the Dhimmīs produced, obscurity entered and it was impossible for me to distinguish what is private property exclusively (owned) by the Jews, from what belongs to the Waqf—seeing that what the Register (*Miswaddah*) contains about the site of Qā' al-Yahūd, this being that of which the Register has given an account above, evidently belongs to the Waqf—yet also the Dhimmīs own that which the Imām al-Mahdī Aḥmad b. al-Ḥasan placed in their possession, and that is clear. Now when the afore-said confusion arose the verdict (*ḥukm*) (required) turned into being concerned with that which had got mixed up. For private property (*milk*) 'had become confused with *waqf*',[303] and no (party) involved in the confusion challenged that when a free property is (confused) with *waqf* the sale/object-sold (*mabī'*) should go to the (public) utilities (*maṣāliḥ*),[304] as is laid down (by law) (*manṣūṣ 'alayh*). On this basis the correct view (*mutawajjah*) according to *shar'*-law is that the whole of the Qā' site goes for

292 The probable date of Qāṭin's note supra.

293 *'Araṣ* is a misprint for *'araṣah* (pl., *-āt* or *'urayṣ*).

294 *Saqf*, lit., ceiling, used to mean a storey or floor, e.g., *bayt min thalāthah suqūf/ṭawābiq*, a house of three storeys.

295 A Ṣan'ānī Jewish proverb (Qāḍī Ismā'īl, unpublished) runs, *Lā tāman al-Bāliq wa-law qadūh fi 'l-ma'ārī*, Do not feel safe from the Balaqah man though he be in the cemetery (Hebrew *ma'ārī*, sing., *mi'rā*, a cave for burial). The story is that a man living in the Balaqah Quarter next to Qā' al-Yahūd, used frequently to enter and rob Jewish houses. Once the Jews caught and beat him roundly, then threw him into a well to rid themselves of him. When, next day, they saw him walking in the street they uttered this exclamation.

296 This ancient Arabic expression is used to express the right of an owner of a property to the air space over the said property. An example of the usage is to be found in Muḥ. b. 'Alī al-Shawkānī, *al-Sayl al-jarrār al-mutaddafiq 'alā Ḥadā'iq al-azhār*, Cairo, 1970, 370, *ḥurmat maqbarat al-Muslim wa-'l-Dhimmī min al-tharā ila 'l-Thurayyā*, the inviolabity of a Muslim or Dhimmī cemetery is from the earth to the Pleiades.

297 Cf. pp. 417a, 421a. This 'humiliation' is a formalistic attitude, not to be understood as an incitement to persecution.

298 'Cave' means a refuge. This is just a form of blessing with no special significance.

299 See n. 106 supra.

300 Al-Kibsī, according to Ratzaby, was a secretary of the Imām. Probably 'Muḥammad' should be read for 'Mahdī'—he would then be the same person as identified in n. 288.

301 'Alī b. 'Alī al-Yamānī al-Yadwamī al-Ṣan'ānī al-Ḥaḍramī was Shaykh al-Islām, not an office original to the Yemen, but introduced apparently by the Turks. His father's biography is in Zabārah, *Nayl al-waṭar*, II, 119. This is a well-known Ṣan'ānī family. Ratzaby calls him one of the famous *qāḍīs* and a teacher of Imām Yaḥyā. The published text omits the second "Alī' but the name is correctly given at the end of the document.

302 *Al-iyjāb*, explained as *bi-'l-ithbāt aw al-nafy*, affirmation or denial.

303 A legal cliché.

304 *Maṣāliḥ*, rendered as 'public utilities', could comprise such as fountains (*sabīl*), *khānāt/samsarahs, sāḥah*—courts, open spaces, etc., under the appropriate bodies charged with the supervision of them.

the (public) utilities, under the supervision of the Imām of the Muslims, God succour him, and they must be satisfied with this (decision).

I have communicated the report orally (in person) and am of the opinion that it should be submitted to royal scrutiny (*al-naẓar al-sharīf*), may God give it support, and whatever (ruling) preponderates (*tarajjaḥ*)[305] is to be applied. Written upon its date, the month of Ṣafar al-Khayr of the year 1337/December, 1918.

* * *

In the name of God the Compassionate the Merciful

Seven thousand five hundred *riyāls* have been received from the Dhimmīs. We have given a rebate of five hundred *riyāls* to such whose inability to pay is recognised or whose grey hair gives him a special claim.

Written on its date, on the 10th Rajab, 1337/11th April, 1919. God's is the praise. 'Abdullāh b. Ḥusayn al-'Amrī[306] (signature).

* * *

Scrutiny of the written document (*al-muḥarrar*) inside[307] and what is on it has been made by the Presence of our Lord the Commander of the Faithful, God succour him, and this conforms with the precept of the noble *shar'*-law. Then (came) what followed by way of the sale of the site, under the royal seal (*al-khatm al-sharīf*), and receipt of the payment in full. Thereby the validity of the ownership of the Dhimmīs of the whole site is established in its entirety to dispose of it as they will. Let this be depended upon. Written upon its date, the month of Rajab al-Fard, 1337/April, 1919.

After praise of God whose right praise is. When it became established that Qā' al-Yahūd, enclosed within the road leading to Bāb al-Qā' on the south side, the wall (*dā'ir*) on the west, the hard ground (*ṣulb*) of the well known Qā' al-Yahūd on the east, and, on the north, by the garden of Sayyid Aḥmad b. Yaḥyā al-Kibsī[308] and the garden of Yūsuf Effendi, is part of the properties of the public utilities (*al-maṣāliḥ*) on account of the confusion of the *waqf* with (privately) owned property (between which) it was impossible to distinguish, despite much search, and the establishing beyond doubt that in part (of it) was *waqf*, though it could not be distinguished separately—there took place the sale by us to the agent of the Jews dwelling in the houses afore-said on the site visited (*al-'araṣah al-mazyūrah*),[309] he being the Ḥawkhām Yaḥyā Isḥāq, a valid legally effective contract by affirmation from us to all those appointing him (their) agent, and acceptance on his part. Each one owns the site of what he holds in the way of houses, shops (*ḥanāwīt*), hostels (*samāsir*), synagogues (*kanā'is*), baths, roads, courts (*aḥwāsh*), gardens, and all the boundaries afore-said comprise in the way of what is in the hands of the Jews afore-said. The contract has been concluded according to the completest and most valid procedures (*nawāḥī*) in return for a price amounting to eight thousand *riyāls*, half of which, forty hundred *riyāls*, goes to the public utilities because it is concluded that the greater advantage lies in selling.

This took place in the presence of al-Mawlā Shaykh al-Islām the Qāḍī 'Alī b. 'Alī al-Yamānī and the Qāḍī al-Fakhrī 'Abdullāh b. Ḥusayn al-'Amrī.

We have assigned the cost of the roads to be (charged) on the Jews, excluding the weak (*ḍu'afā'*) and needy, under the supervision of the Ḥākhām Yaḥyā Isḥāq and those men of integrity (*'udūl*) of the Dhimmīs with him who have allotted out the costs (*faraqu 'l-athmān*).

(Written) on its date, Rabī' I, year 1337/December, 1918.

305 *Al-ḥakīm yurajjiḥ al-maṣlaḥah fi 'l-bay' fa-yabī' li-ṣāliḥ al-waqf*, The judge comes to the conclusion/arrives at the view that the advantage lies in selling so he sells in the interest of the Waqf. For instance, in a quite different circumstance from the Waqf, that of an orphan's property, it may, if in his interest, be sold. For *tarjīḥ*, cf. p. 182a, n. 23.

306 Imām Yaḥyā's Prime Minister, murdered along with him at Ḥizyaz in 1948, father of Ḥusayn al-'Amrī.

307 It looks as if this endorsement was penned on the back of the general collection of documents.

308 The Kibsī garden is at the present day Wizārat al-Khārijiyyah on the east side of the Qā'.

309 Perhaps *mazyūrah* should read *mazbūrah*, i.e., 'visited' should be 'afore-said/recorded'.